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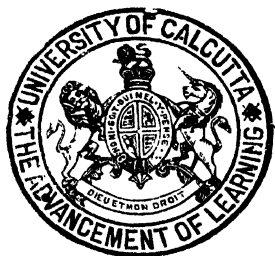
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MODERN THOUGHT

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CONTENTS

	PAGE
I. VISCOUNT BRYCE.	
The Mission of State Universities ...	1
II. H. H. ASQUITH.	
Ancient Universities and the Modern World ...	19
III. JOHN STUART MILL.	
Of the Liberty of Thought and Discussion .	39
IV LORD HALDANE. ✓	
The Dedicated Life	97
V. LEONARD TRELAWNEY HOBHOUSE.	
Law and Justice	128
VI. CHARLES WILLIAM ELIOT.	
Five American Contributions to Civilisation	175
VII LORD BRYCE.	
Government by Public Opinion .	208

MODERN THOUGHT

I

VISCOUNT BRYCE

THE MISSION OF STATE UNIVERSITIES.*

*Commencement Address to the University of Wisconsin
at Madison, June, 1908*

This University of Wisconsin in which we are met stands by common consent in the front rank among the State Universities of the United States. It is younger than some of them, but inferior to none in the width of its curriculum and the ability of its staff, and it is perhaps more conspicuously identified than any other with the political life of the State. This is therefore a fitting place in which one who delivers a Commencement Address may choose for his theme the various origins from which universities have sprung, the various forms in which they have organised themselves, and the peculiar features and functions which belong to the American State Universities, that "latest birth of time."

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A university is, in its simplest form, nothing more than an aggregation of teachers and learners. It was in that way that the earliest universities of modern Europe began. Salerno, Bologna, Paris, were the first cities in which crowds of learners gathered round a few eminent teachers of medicine (in the first), of law (in the second), of theology and dialectics (in the third). Such too were the beginnings of Oxford and Cambridge. In each of those trading towns situated upon rivers, then the chief avenues of commerce, a concourse of students formed itself round a few learned men, and presently grew to vast dimensions. These universities were not founded by any public authority, but founded themselves, springing up naturally out of the desire for knowledge; and hence we in England described our two Universities of Oxford and Cambridge as being "corporations at common law," *i.e.*, deriving their legal quality as corporate bodies from ancient custom which antedates the time of legal memory. The same thing had happened in the Eastern World. Where Islam reigned, schools sprang up in the great mosques like that famous one of El Azhar in Cairo which still draws thousands of students of all ages from all parts of the Musulman world. Later on in the Middle Ages sovereigns began to establish such places of learning. The Emperor Frederick II set up one at Naples in A. D. 1225, Pope Gregory IX another at Toulouse in 1233. The first in the Germanic Empire was that of Prague, founded by Pope Clement VI and Emperor Charles the Fourth in 1347-1348; and others followed, such as that famous school at Heidelberg which the Elector

Palatine Rupert, and Pope Urban VI at his request, set up in 1386.

Popes also assumed the right of founding universities, and with good right, because their ecclesiastical jurisdiction embraced all Europe, and they were called upon to see that a due supply both of trained theologians and trained lawyers was always forthcoming. In Scotland the Universities of Glasgow and Aberdeen, for instance, were founded by papal bulls, but when after the breach between England and Rome Queen Elizabeth desired to create a university in Ireland she did it herself by a royal charter. In modern Europe, since the conception has grown up that a university is an institution entitled to grant degrees, and since degrees themselves have obtained more or less legal recognition, it is now understood that nothing less than some public authority, such as either a royal grant or a statute, can create a university. It is thus that the eight new universities recently established, and the most recent of them perhaps too hastily established, in England, *viz.*, London, Durham, Manchester, Liverpool, Leeds, Birmingham, Sheffield, and Bristol, have been constituted.

Here in the United States you have allowed the widest freedom, so colleges and universities, great and small, have sprung up all over the country in a crop almost too abundant. Harvard and Yale were the foundations of private benefactors, though their States subsequently aided them. Many other colleges owe their origin to religious denominations. But the most interesting, and certainly the most

peculiar and characteristically American, type has been that of the university founded and supported and governed by the State.

Before proceeding to consider how this scheme of State support and control has worked, let me try to give you a brief view of the universities of the three countries whose conditions and ideas most resemble yours in America. I mean Germany, England, and Scotland,—countries in each of which the university has played a great part and has not only illustrated the character of the nation but done much to form that character.

The universities of Germany have, during the last seventy years, led the world in the completeness of their teaching organisation, in the amplitude of the provision of instruction in every branch of knowledge which they make, and in the services they render to the prosecution of research. In these respects they have set an example to the world, an example whose value is recognised in the United States, from which so many students have gone to Germany. The level of learning among the teachers, taken as a whole, is perhaps higher than anywhere else: and it is to the energy of these teachers that we must largely ascribe that completeness with which special training has been brought to bear upon every department of practical life in Germany, upon private business in production and distribution no less than upon all kinds of administrative work. A control is exercised over the universities by the government which you here and we in England might think excessive, but in practice it does not

seem to be harmful, for public opinion practically secures freedom of teaching and relieves the professors from undue interference. The tradition of respect for the great seats of learning, strong in the minds of the German bureaucracy, who have all been educated there, is found to act as an efficient protection. Indeed, the whole nation cares for the universities, is proud of the universities, recognises, as perhaps no other nation has ever done, the value of practical life of full knowledge and exact training, so that everything is done which money and organising skill can do to maintain the institutions of learning and teaching at the highest level of efficiency. Nor must I forget to add that the universities have another claim on the affection of the German people in the fact that when, after the battle of Jena in 1806, North Germany lay for a time prostrate at the feet of a foreign conqueror, it was in the universities that the patriotic national spirit found its surest home, and it was among their professors and students that the movement began which culminated in the liberation of the German fatherland.

The universities of England—and here I speak chiefly of Oxford and Cambridge, as the oldest and by far the most characteristic educational product of English soil—belong to a different type. Although the great scientific discoveries of the last centuries are due to British more than to any other discoverers, these universities have not in recent years contributed so largely to original research either in natural science or in the human subjects as have their sisters

in Germany. They are far less completely organised for the purposes of instruction. They do not educate so large a proportion of the people. They have been, since the Reformation, for the most part places of resort for the upper and middle classes, and it is only, within the last thirty years that they began to be rendered easily accessible to the promising and diligent youth of the poorer sections of society. But they have had several conspicuous merits which are specially their own. Their ideal has been to give not so much an education qualifying a man to succeed in any particular walk of life as that general education which will fit him to be a worthy member of church and commonwealth. They have sought to develop men as men, to shape and polish a completely harmonious and well-rounded intellect and character, a personality in whom all faculties have been cultivated and brought as nearly as may be to a symmetrical completeness. And in aiming at this, they have thought not only of learning or of the powers of the speculative intellect, but also of the aptitudes which find their scope in practical life, and which enable a man to work usefully with other men and to exercise a wholesome influence in his community. Oxford and Cambridge have long been closely associated with the public life of the nation. In the eighteenth and nineteenth centuries nearly all of those who reached high eminence as statesmen were their alumni, and gratefully acknowledged how much they owed to the Alma Mater. That which they did owe was not always learning nor even the power of ready and finished speech, a power which

must always count for much in the political life of a free country. It was perhaps rather the knowledge of human nature, the tact and judgment, the sense of honour and comradeship which daily social intercourse in the colleges of these universities tended to form. In these colleges—there are twenty-two in Oxford and nineteen in Cambridge—there is a sort of domestic life which brings the students into close touch with one another. The undergraduates dine together in the same college hall along with the graduate members of the college who are the teachers. They worship in the same college chapel. They have their sports together, each college with its cricket team and its racing boats on the river. The opportunities for forming friendships are unrivalled, and thus it comes to pass that those who remember Oxford and Cambridge say that they learnt as much from one another as they did from their professors and tutors. Moreover, the domestic arrangements of our English college life create a more easy and familiar intercourse between the teachers, especially the younger ones, and the undergraduates than exists anywhere else. The undergraduate students are the friends of their teachers, living with them on an equality which is of course tempered by the respect due to age and experience. It is a pleasant relation, good for the older and the younger alike. Thus has there been created in Oxford and Cambridge that impalpable thing which we call an Atmosphere, an intellectual and social tone which forms manners and refined taste, and strengthens characters by traditions inherited from a long and splendid past.

The four universities of Scotland are very different from the English, and rather resemble the universities of Germany. Though far less completely equipped than are the latter, for Scotland has been a comparatively poor country, they have always given a high quality of instruction, and produced a large number of remarkable men. There are no residential colleges like those of England, so the undergraduates live in lodgings, where they please, and thus there is less of social student life. But the instruction is stimulating; and the undergraduates, being mostly poor men, and coming of a diligent and aspiring stock, are more generally studious and hardworking and self-reliant than are those of Oxford and Cambridge. Within the last twenty years women have been admitted to the classes, and that which was deemed an experiment is pronounced to be a success.

Last, I come to your own universities. Whereas the universities of Germany have been popular but not free, and those of England free but not popular, yours, like those of Scotland, are both popular and free. Their doors are open to every one, and every one enters. They are untrammelled by any religious or political prejudices, even when they are associated with a particular denomination, and they have been, with comparatively few exceptions, managed without any intrusion of political influences. Many of them allow the student a wider choice among subjects of study and leave him in other ways more free to do as he pleases than is the case in any other institutions in the English-speaking world.

Nor is it only that your universities are accessible to all classes. They have achieved what has never been achieved before,—they have led all classes of the people to believe in the value of university education and wish to attain it. They have made it seem a necessary part of the equipment of every one who can afford the time to take it. In England, and indeed in Europe generally, such an education has been a luxury for the ordinary man, though it may have been reckoned almost a necessity for those who are entering on one of the distinctively “learned professions.” But here it is deemed a natural preparation for a business life also; and the proportion of business men who have studied at some university is far larger in the United States than in any other country.

However, it was of your State universities only that I meant to speak, because they are the newest, the most peculiar, and the most interesting product of American educational zeal. They are a remarkable expression of the spirit which has latterly come to pervade this country, that the functions of government may be usefully extended to all sorts of undertakings for the public benefit which it was formerly thought better to leave to private enterprise. The provision of elementary education was indeed long ago assumed by the State, because it was deemed necessary that those who vote as citizens should possess the rudiments of knowledge. But in going on to found and support and manage institutions supplying the higher forms of education at a low or merely nominal charge, you of the American West went further than any other communities in the

English-speaking world. The same principle has guided several of your States, and this State in particular, in so enlarging the range of university action as to bring it into direct contact with the schools and the people through systems of lectures and correspondence and through the multiform activities of the agricultural department. The greatest asset of a community is the energy and intelligence of its members. Your citizens have the energy and you feel it to be "good business" to develop their native intelligence by the completest education they can desire.

In committing yourselves to this principle you here in the West seem to have returned to that conception of the functions of the State which prevailed in the Greek republics of antiquity, where it was defined as "a partnership of men in the highest social life," and you have abandoned that *laissez-faire* doctrine generally held seventy years ago which regarded the governing power in a community as established mainly for the purpose of maintaining civil order within and providing for defence against external foes, and held that to go further than this was to weaken or to trammel individual initiative and to interfere with the generally beneficent working of the natural forces that guide social progress. Whether this reversal of policy was needed in order to give energy and independence their fair chance, for, as J. S. Mill observed, it is even more fatal to exertion to have no hope of succeeding by it than to be assured of succeeding without it, and whether the doctrine of Greece and Wisconsin

or the doctrine of the physiocrats and Benthamites will prove in the long run to be the best for the stimulation of inventive thought and enterprise and for the general advance of the community, is a question I will not stop to discuss. This at least may be said, that this particular form of State intervention which the new principle has taken in the West has the merit of associating all the citizens in a direct and personal way with the university, making them feel it to be their creation, arousing the liberality of the legislature to it, and giving the whole State an interest in its prosperity and efficiency.

There are, however, two risks incident to popularly managed governmental control of all institutions of teaching and learning, against which it is well to be forewarned. Although neither you nor your sister State universities may have yet encountered them, they may some day threaten you, for popular management is no guarantee against their appearance.

One of these is the possibility that a legislature, or a governing authority appointed by a legislature, may carry politics into academical affairs, as politics have been sometimes carried into those affairs in parts of the European Continent where the university is an organ of the State. Freedom is the life-blood of university teaching. Neither the political opinions of a professor, nor the character of the economic doctrines which he holds and propagates, ought to be a ground for appointing or dismissing him, nor ought he to be any less free to speak and vote as he pleases than any other

citizen. And though it is right and fitting that the State should be represented in the governing authority of a university which it supports, experience seems to have proved that both the educational policy and the daily administration and discipline of a university ought as far as possible to be either left in academic hands or entrusted to an authority on which the academic element predominates.

The other risk is one to which in our time most universities are exposed, and State universities perhaps even more than others. The progress of natural science has been so rapid, the results obtained by the application of science to all forms of industry and to many forms of commercial exchange, have been so wonderful, the eagerness of every man to amass wealth and of every nation to outstrip its rivals in commerce and material progress is so keen, that the temptation to favour at the expense of other branches of instruction those branches from which pecuniary gain may be expected has become unusually strong. It is a temptation felt everywhere, in Europe hardly less than here. We constantly hear men who are ready to spend money freely on the so-called practical branches of study, such as mining, agriculture, and electrical engineering, disparage the study of theoretical science as unprofitable, while they seek to eliminate altogether the so-called "humanistic" subjects, such as philology, history and philosophy.

This is a grave error. In physical sciences the discoveries of most practical importance have sprung out of investigations undertaken purely

for the sake of knowledge, without any notion of those applications to the industries and arts which were to be their ultimate results. These it would indeed have been impossible to foresee. All we know of electricity, of those chemical effects of light which have led to photography, of those properties of certain rays in the spectrum which have proved capable of being turned to such admirable account in surgery, was discovered in the pursuit of abstract science by men who were not thinking of practice or gain and most of whom gained little except fame from their discoveries. None of them dreamed that the telegraph and the dynamo would issue from their experiments any more than Napier when he invented logarithms, or Newton and Leibnitz when they gave us the differential calculus, were thinking of how much these improved mathematical methods would help the engineer in his calculations. All sound practice must be rooted in sound theory, and the scientific thinking that leads to discovery must begin in the theoretic field. Whatever a nation achieves, whatever a university achieves, is the result of patient observation, close reasoning, and, let me add, of the love of knowledge for its own sake; for the man who is bent only on finding what is pecuniarily profitable will miss many a path at the end of which there stands the figure of Truth, with all the rewards she has to bestow. Just as any nation which should force its children to narrow their energies to purely gainful aims would soon fall behind its competitors, and see its intellectual life fade and wither, so any

university which sacrificed its teaching of the theory of science to the teaching of the practical applications of science would be unworthy of its high calling and would handle even the practical part of its work less effectively. The loss of a high ideal means the loss of aspiration, of faith, of vital force.

In no country are these things better understood than in Germany, to which I refer because she has achieved so much in the extension of her commerce and her industry. No country has been more successful in the application of science to the arts, and in none has the need for a wide foundation of abstract scientific teaching been more fully recognised.

The planting and the development of these State Universities and the hold they have acquired upon the people of the State, are among the most cheering evidences of the wisdom and capacity for good work of your new democracies. They have their defects, but they are filled by the desire to help the common man onward and upward, and to help him in the best way by providing him with the amplest measure of knowledge and mental training so that he may know how to help himself. The peoples of the Western States, most of whom have had no college teaching themselves, shown their sense of the worth of learning and culture by the liberality with which they support these institutions and the pride they feel in their prosperity.

These States have made you, the professors and students of their universities, their debtors. How can you repay that debt, and what service can you, some of you as professors remaining here, others as

youthful graduates going out into the world, render to your States in return? In order to answer this question, let me first ask another. What is it that the graduate has received? What does he carry away with him as the fruit of the days of study here? What will he remember forty years hence as the best things his university has done for him? If I may judge of what you will then feel from what I and my own contemporaries feel as we look back, through a vista of more than fifty years, to our happy Oxford days, you will then say that your university bestowed on you two gifts of supereminent value.

One was Freindships. The opportunities for making congenial friendships are ampler in college life than ever afterwards. Besides the familiar intercourse of the class room, and on the campus, and wherever students meet together, the acquiring of knowledge in company is itself a foundation for sympathy. Joint study becomes a bond. To have the same tastes, to enjoy the same books, to work side by side in the laboratory, to help one another in difficulties, to argue out one's differences of opinions, to be inspired by the same ideals and confide them to one another, these are the means by which young men best enter into one another's hearts and hopes, and form ties, which, lasting as long as life itself, may be a source of joy until the end.

The other gift was the delight in Knowledge, a sense of how much there is to be known, of the vast horizon that is ever widening as one goes on learning, of how with each one of us the enlargement of personal knowledge seems only to enlarge the sense of

the regions of mystery beyond that horizon. With this delight there goes also a perception of the invaluable help which real knowledge, accurate, thorough, duly arranged and systematised, can render to each man and each community in dealing with the facts of every situation. And with the joy in knowledge there ought to go, and in the minds of all who really enjoy knowledge there will go, the love of Truth. Devotion to truth, loyalty to truth under all temptations, is the intellectual conscience of the man of learning and the man of science; and to create it is the chief aim for the sake of which universities exist. If your university teaching and life have not taught you that, they have left the main thing undone.

Is there then not a way in which you as university men going out into the world can repay to your Alma Mater and to your State the debt you owe them? We live in an age when difficulties thicken upon us, when, in spite of the dissatisfaction so frequently expressed with the existing methods of government, new work is being constantly thrust upon governments, when the strife of labour and capital and social unrest that growls and mutters all round us make it at once more necessary to determine what justice requires and harder to persuade any section of the community to recede from its claims. Never was there a more urgent need either for applying every kind of knowledge to the solution of these problems, or for trying to seek the solution in a spirit free from all prejudice or bias. Your university studies have taught you both to

realise the worth of thorough and systematised knowledge and to moderate the vehemence of partisanship by a disinterested devotion to truth. Thus you can contribute to the community of which you are citizens three things. One is the spirit of progress, which is hopeful because it is always seeking to better things by knowledge and skill. Another is the spirit of moderation, cautious because it resists the temptations of party passion, or the impulse, often honest enough, to grasp at the first hasty expedient for removing admitted evils without considering whether that may not involve other evils just as great. And the third is the love of truth, which, when it is strong enough, will help a man to overcome the promptings of personal ambition or the baser lures which the power of selfish wealth can offer.

It has sometimes been claimed for the University that it is the mind of the State, or at least the organ which the State may employ to examine and think out the problems the State has to deal with. That may be too large a claim. But I am speaking now not so much of the University as a body of men organised in an institution dedicated to teaching and research but rather of those children of the University who go forth from it into the world, preserving the real academic spirit through the whole of their business or professional careers, furnishing skilled leaders in political and social movements, and forming the public opinion of the whole community by which nation and State, more truly here in America than anywhere else in the world, are led and ruled. Upon

these citizens comes with special force the call to translate into reality that noble ideal of an educated democracy, reasonable and just because it is educated, which the people of America have long ago set up for themselves, and towards which, through many obstacles, they are steadily and surely moving.

II

H. H. ASQUITH

ANCIENT UNIVERSITIES AND THE MODERN WORLD *

*Rectorial Address delivered before the University of
Glasgow, January 11, 1907.*

My first duty to-day, and it is a most agreeable one, is to express my heartfelt gratitude to the students for the honour which they have done me in choosing me as their Rector. I can conceive of no man's ambition which ought not to be more than satisfied with the affirmation, by such a constituency, of his title to hold an office which has been filled in the past (I omit the names of those who are still alive) by such men as Burke and Macaulay, Palmerston and Peel, Disraeli and Gladstone. If I can make no claim—as I certainly cannot and do not—to bend the bow which has felt the touch of these giants of the heroic age, I have special grounds for addressing an appeal, which they did not need, to your kind and indulgent consideration. Though an Englishman by birth and blood, I have now for more than twenty years been a

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Scotsman by adoption. Whatever opportunities I have had of serving the public, I owe first and foremost to the favour and confidence of the men of Fife; and only in a less direct degree, to a great College at Oxford, which is a purely Scottish foundation, and which, as the illustrious names, among many others, of Adam Smith and William Hamilton attest, has for many generations been intimately allied with the University of Glasgow.

Oxford and Glasgow—there are hardly two cities in the world which in their history, their environment, all the conditions of their daily life, would appear to be more remote and less akin. The one still seems—as a gifted son of hers has said—to breathe from her towers and gardens the last enchantments of the middle ages; the other, in her manifold municipal and industrial activities, is, perhaps, the most typical embodiment in the whole Empire of the spirit of modern progress. But in the things of which I propose to speak to you, there is between them, as I hope to show, by virtue of their Universities, a real intellectual and spiritual relationship.

My purpose is to consider what is the true service which in these days an ancient university can render to the modern world.

We start with the fact that our Universities, both English and Scottish, unlike most of our educational appliances, have not been brought into existence to supply modern needs, but are rooted in the past. There has been not a little controversy as to their historical origin. As I have had occasion to point out before, it is more than possible that the

academic existence of Oxford and Cambridge was due in each case to a quarrel between Church and State. If it had not been for the controversy between Henry II and Becket, and the consequent expulsion or recall of the large contingent of English students from Paris, Oxford might never have obtained the dignity of a *Studium Generale*. A little later, the strained relations between King John and the Pope seem to have been the cause which led a colony of fugitives from Oxford to find a new intellectual home in Cambridge. Here in Glasgow we date our beginnings from the famous Bull of the first of the ecclesiastical humanists, Pope Nicholas V, issued on the very eve of the fall of Constantinople, which may roughly be said to have ushered in what we call the Renaissance. But here, too, the real history of the University does not begin until Church and State fall out; for it led a starved and struggling existence, until the suppression of the convents of the Mendicants in Reformation times provided it with the bare necessities of life.

The mediæval Universities had two characteristics, which are to this day *articuli stantis aut cadentis Academiae*. In the first place, they were always in theory, and almost always in practice, cosmopolitan. There were no barriers of birth or class or fortune. The door was open to all. Just as the Church was one and indivisible, speaking one language, holding one creed, observing the same rites throughout Western Europe, so, in the community of students and scholars, there was a oneness of purpose and a

comradeship of speech and habit which transcended, though it did not obliterate, racial and geographical distinctions. The Scottish students, long before any University had been planted in their own soil, swarmed over Europe. They were to be found in Paris, where they had a separate college; in Padua, where they had a Nation to themselves; and in almost all the academic towns of France, Northern Germany, and of the Low Countries. Scholars flocked to Oxford in the days of William of Ockham and Roger Bacon from every part of the Western World. The University of Bologna, at the time when it held the first place among the schools of Civil and Canon Law, is said to have had no less than 20,000 students from different countries. The Scottish Universities, national as in a peculiar sense they have always been, have in their turn exercised the same hospitality, and have found room for outsiders to whom Providence has denied the privilege of being born on Scottish soil. When Adam Smith lectured here in the middle of the eighteenth century, quite a third of his class were Irish dissenters, shut out by religious tests from their own Trinity College, and his fame attracted students not only from England, but from Geneva, and even from Russia. A less liberal policy prevailed in those days, not only in Dublin, but in Oxford and Cambridge, whose splendid endowments and great traditions were in danger of becoming—though they never in fact became—the exclusive property of a limited class. *Cuncti adsint* is the invitation addressed now, as always, to the world of students by every University that is worthy of the name.

But, further, the true University has always been not only cosmopolitan in its composition, but catholic in its range. A University such as yours never was, is not, and never ought to become, a technological institute for the creation and equipment of specialists. The modern student may smile at the scanty proportions of the mediaeval *trivium* and *quadrivium*. He may be tempted to scoff at the pettiness and futility of many of the problems upon which in those days Angelic and Invincible Doctors broke their teeth. The Latin of the Schoolmen is no doubt an uncouth jargon which smacks more of the Vulgate and the *Corpus Juris* than of Cicero or Livy. Their dialectics are monotonous and infertile, not because of any defect in their reasoning powers, or indeed in their logical apparatus, but because they were hedged in, both by authority and by ignorance, within the narrow boundaries of a single field. But whatever, within its confines, was knowable, they knew. It was said of Abelard, the forerunner of them all: *Illi patuit quicquid scibile erat*. The limits of the knowable—wherever they are to be placed—have in these days expanded so far that no ambition and no assiduity is equal to the task of taking all that lies within them for its province. Nothing can be more alien from the business of a University than to produce the shallow and fluent omniscience which has scratched the surface of many subjects, and got to the heart of none. But the fidelity of a University to the intellectual side of its mission must now, as always, be judged by the degree in which it has succeeded in enlarging and humanising the mental

outlook of its students, and developing the love of knowledge for its own sake.

Such an ideal, I need hardly say, does not imply a divorce of knowledge from practice. Let me recall to your recollection a well-known and instructive incident in the history of this University. When James Watt in 1756 came back to Glasgow from London, the Corporation of Hammermen refused him permission to set up his business in the burgh, because he was neither son of a burgess nor an apprentice. The Faculty of Professor, of whom Adam Smith was one, at once appointed him mathematical instrument maker to the University, and gave him a room, as they had power to do, in the College buildings for his workshop. It was in this workshop—a favourite resort of Adam Smith—and while engaged on the repair of a model of a Newcomen engine belonging to the University, that Watt evolved the idea of the separate condenser. It is often out of the mouths of Professors, and at the hands of Universities, that the practical man learns for the first time the real meaning and the latent possibilities of his own business. Statesmen and financiers and industrialists have never received two more magnificent presents than the *Wealth of Nations* and the Steam Engine; and both came to them from within the walls of Glasgow College.

We may fairly remember such facts as these when the term “academic” is used, as it often is now-a-days, as a label of reproach to designate a

proposition or an argument which is otiose or fanciful—of which, at any rate, the practical man takes no account. I believe this to be an indefensible perversion of language. As Hazlitt says: “By an obvious transposition of ideas some persons have confounded a knowledge of useful things with useful knowledge.” There is no fallacy which, in all its forms, a University is more bound by the very nature and object of its being to combat and expose.

I spoke a moment ago of the intellectual stamp which a University ought to leave on those whom it teaches. But that after all is not the supreme or ultimate test of its work. In the long run, it will be judged not merely or mainly by its success in equipping its pupils to outstrip their competitors in the crafts and professions. It will not be fully judged even by the excellence of its mental gymnastic, or its contributions to scholarship and science. It will be judged also by the influence which it is exerting upon the imagination and the character; by the ideals which it has implanted and nourished; by the new resources of faith, tenacity, aspiration, with which it has recruited and reinforced the untrained and undeveloped nature; by the degree in which it has helped to raise, to enlarge, to enrich, to complete, the true life of the man, and by and through him, the corporate life of the community.

I shall not, therefore, be travelling beyond my province to-day, if I endeavour to illustrate by one or two examples the truth of a seeming paradox: the essential utility, nay, the indispensable necessity,

from this wider point of view, of some of those forms of knowledge which the man of affairs is apt to discard as useless or superfluous, but which it is the prerogative duty of a University to keep alive.

Take, first of all, those literary studies to which a large part of the time and energy of this and of other Universities continues to be given. Nothing is easier than to belittle or disparage their practical value. Nor will any one who is acquainted, for instance, with the history of scholarship deny that many of the hours and days, and even years, which were devoted by men of the type of Browning's Grammarian to settling and unsettling and resettling the most trivial minutiae, might have been almost as profitably given to astrology or heraldry. "The first distemper of learning," says Bacon in a famous passage, "is when men study words and not matter." He compares this "vanity" to "Pygmalion's frenzy," and cites the leading case of Erasmus. "Then did Erasmus take occasion to make the scoffing echo: *Decem annos consumpsi in legendo Cicerone*, and the echo answered in Greek *öre, asine*." * The revival of learning in Western Europe in the fifteenth century supplies one of the best illustrations of this kind of intellectual demoralisation. Neglect and contempt of literary form had reached their lowest depth in the style of the later Schoolmen and their pupils. It is humiliating to an Oxford man to remember that, even in those bad days, the *Oxoniensis loquendi mos*

* *Advancement of Learning*, Book I.

seems to have been a byword for its slovenly incorrectness. Never was transformation more rapid and complete. Under the influence of the new passion for the ancient models, the study of words and style became for the time a religion. The Humanists were "intoxicated with the exuberance" of their new "verbosity." But it was a passing disease, and when it subsided the English of Cranmer, the German of Luther, the Italian of Dante and Petrarch and Boccaccio, had taken root, side by side with the classical languages, each to become the living source of a fresh and splendid progeny.

I will not enter upon the technical and singularly barren controversy as to whether literature or science affords the better training for the reasoning powers. There are some intelligences which no discipline can convert into accurately working instruments. And those which possess the capacity for being so developed vary as greatly in their structure and tendencies, and are therefore as little suited to a uniform regimen, as men's bodies and characters. No one will pretend that they ought all to be treated by the same method, unless he is either a quack, or possessed by that indiscriminating passion for symmetry, which used to make the Minister for Education in a neighbouring country reflect with complacency that, at a particular minute of a particular hour in the day, every schoolboy in every school in France was being confronted with the same fact in Roman History.

Nor shall I dwell, as an apologist for literary studies from the utilitarian point of view would be

well justified in dwelling, on the obvious services which they render to the development of the memory, the taste, and the faculty of expression. The claim I make for them covers much wider ground. The man who has studied literature, and particularly the literature of the Ancient world as a student should, and as only a student can—I am not speaking of those to whom it has been merely a distraction or a pastime—such a man possesses resources which, if he is wise, he would not barter for a king's ransom. He finds among men of like training with himself a bond of fellowship, a freemasonry of spirit and understanding, which softens the asperities and survives the conflicts of professional or political rivalry. He need never be alone, for he can, whenever he pleases, invoke the companionship of the thinkers and the poets. He is always annexing new intellectual and spiritual territory, with an infinitude of fresh possibilities, without slackening his hold upon or losing his zest for the old. There is hardly a sight or a sound in nature, a passion or emotion or purpose in man, a phase of conduct, an achievement of thought, a situation in life—tragic or comic, pathetic or ironical—which is not illuminated for him by association with the imperishable words of those who have interpreted, with the vision and in the language of genius, the meaning of the world.

Let me take another illustration from another branch of humane learning, which again, from the merely material point of view, may not seem to possess the quality of utility. I mean the study—the serious and scientific study—of History. Here,

perhaps even more than elsewhere, both teacher and student are peculiarly exposed to the risks of specialism, and of the morbid excesses to which specialism leads—pedantry, want of perspective, over-emphasis of the unimportant, the passionate pursuit of small game which is not worth the efforts of the chase. There is, for instance, no better attested fact in the history of the world—and few which are of less real moment—than that at some time, in or between the years 129 and 135 A.D., the Emperor Hadrian dedicated the Temple which, seven centuries after it was begun, he had brought to completion—the Olympieion at Athens. But a learned German writer has computed that there are no less than 130 different theories as to the precise date of the ceremony. The mind of the historical student is, indeed, in more danger than that of any other scholar of becoming a kind of Pantechnicon, in which every sort of furniture is heaped and packed together, instead of being a habitable home, where things useful and beautiful are arranged in their proper places, and in due relation to their special purposes.

But, if this peril is avoided, where can a man find better nutriment, both for his intellectual and his moral judgment, than in watching the unfolding of the purposes of Providence in the long procession of men and events? “Philosophy teaching by example,” it has been called, and there is not an age nor a movement which has not a message of its own. Look for example at the reign of the Emperor Hadrian, of whom I spoke just now. In not a few of its aspects it has as good a title to be called the

Golden Age as any era in history. It is certainly one of the times, if a man could select, say, half-a-dozen since the days of the Flood, in which he would be tempted to wish that he could have lived. It was an epoch of profound peace. Hadrian deliberately abandoned the uncertain conquests of his great predecessor Trajan, made no attempt to extend the boundaries of the Empire, and concentrated his whole efforts upon the task of bringing security, order, and the blessings of good administration, to the ninety millions of people over whom he reigned. In Pliny's fine phrase * the *immensa Romanæ pacis majestas* covered the world, and gave it rest. Vast tracts of territory, Asia Minor, Syria, and a large part of North Africa, have never since enjoyed such happiness. Never at any time, before or since, has the area of civilisation been endowed with such a widely diffused wealth of works of art. Not to speak of Rome itself, Athens, Ephesus, Antioch, Smyrna, Carthage, Rhodes, Alexandria contained, each of them, treasures of architecture and statuary in a variety and abundance for which the whole world might now be ransacked in vain. The Museum of Alexandria—the earliest in date among Universities, and behind none of its successors in the magnificence of its endowments and the splendour of its traditions—was at the height of its activity and fame. Schools of learning were to be found in every part of the Empire. Hadrian himself—the most indefatigable of builders—established in the capital, which already

* Pliny, *Hist. Nat.*, xxvii, 1.

contained more libraries and books than any other city, the Athenæum which became the University of Rome.

The means of communication throughout practically the whole distance from the Solway to the Euphrates, were more perfect, and more freely and securely used, than at any subsequent time, until steam was applied to locomotion. No one put them more frequently or more severely to the test than Hadrian—a Reisekaiser, if ever there was one—the most restless, curious, and untiring of travellers. I have read somewhere that Sir Robert Peel, when, in the winter of 1834, he was summoned home from Italy by the King to form a Ministry, took exactly the same time in posting from Rome to London as the Emperor Hadrian had occupied in making the same journey seventeen hundred years before. “The *acta diurna*,” says Professor Dill, “with official news and bits of scandal and gossip regularly arrived in distant provincial towns, and frontier camps. The last speech of Pliny, or the freshest epigram of Martial, were within a short time selling on the book-stalls of Lyons or Vienne.” * The last of the considerable names in Latin literature belong to Hadrian’s time: Juvenal, Suetonius, Martial, Statius, and (if he in fact survived Trajan) one greater than any of these—Tacitus.

* *Roman Society from Nero to Marcus Aurelius*, by Samuel Dill, London, 1904, p. 205 : a masterpiece, if I may venture to say so, of scholarship, philosophic insight, and literary charm. Cf. *The Emperor Hadrian*, by F. Gregorovius, Eng. trans., London, 1898, and *The Silver Age of the Greek World*, by J. P. Mahaffy, Chicago and London, 1906.

And to turn from the world which he governed to the Emperor himself, we have in Hadrian, if one of the most inscrutable, certainly one of the most attractive and interesting figures in history. It may be doubted whether any ruler, possessing absolute and irresponsible power, ever devoted himself with more absorbing assiduity to the work of good government. To that work he brought great natural powers, a constructive and, at the same time, a rarely cultivated intelligence, an intense interest in literature and art, a genuine hatred of war and of all forms of cruelty and oppression, a singularly humane and tolerant temper, absolute freedom from ostentation or arrogance, an insatiable passion for administrative reform. If there was, at the same time, in his character a tincture of vanity and of sensuality, a certain dilettantism in his tastes, and, on the speculative side, an incongruous and baffling blend of scepticism and superstition, this is only to say that he did not, and could not, transcend the conditions of his age. Nothing can be more striking than the contrast between his eager, full-blooded love of the world and all its interests—his buoyant *joie de vivre*—and the pessimism, the introspective questionings, the unsatisfied yearnings, the unsleeping self-discipline, of the still greater man who twenty years after his death succeeded to his office. Hadrian is, in a sense, the Last of the Pagans. Marcus Aurelius, among the occupants of thrones, may fairly be called the First of the Saints.

And yet across this brilliant age were written, as we now know, the letters of doom. "Death is the

lot of States just as it is of men," is a saying of the great satirist of the next generation.* Tacitus says of Nerva, that he was believed to have reconciled two hitherto incompatible things—despotism and liberty.† But that was a task beyond the power even of a Hadrian. Of political freedom not a vestige remained in Rome itself, though the Emperor continued to show a conventional deference to the formal authority of the Senate. The free local life, which had lingered on in the provinces, was already on the wane, and its end was hastened by Hadrian's own organisation of a great imperial service. And what of personal freedom? Manumission had become a fashionable form of philanthropy; the prolonged peace stopped the supply of captives who could be sold into servitude; but it is computed by some authorities that still something like a third of the population of the Roman Empire were slaves. Society thus rested upon a foundation which was economically and ethically rotten.

What, again, can be more significant of the moral and religious atmosphere of the age than the almost universal acquiescence in the deification of Antinous, whose statues were to be found, and whose worship was practised, in all the chief cities of the Empire? It was in vain that the great teachers, the stoic Epictetus, the eclectic Plutarch, preached, in terms which might often have been borrowed from

* 'Ἀποθνήσκουσι γὰρ καὶ πόλεις ὥσπερ ἄνθρωποι (Lucian, *Charon*, 23).

† ...res oīim dissociabiles miscuerit—principatum ac libertatem (Tac., *Agricola*, c. 3).

the New Testament, of righteousness and self-suppression and even of judgment. They spoke to a generation which, in the midst of profound external order and tranquillity, of peace, of material comfort, of artistic refinement, was on the verge of spiritual bankruptcy. Over the whole scene, with all its brilliant superficial colouring, as Professor Dill says, there "broods a shadow.....the swiftly stealing shadow of that mysterious eclipse, which was to rest on intellect and literature till the end of the Western Empire. It is the burden of all religious philosophy from Seneca to Epictetus, which was one long warning against the perils of a materialised civilisation."*

The woods decay, the woods decay and fall.†

I have taken but one page out of a thousand in the book of history which might be cited to teach the same lesson. For the study of history brings us to the same conclusion as that of literature: that man does not, and cannot, live by bread alone.

Finally, I will ask you, in the few moments that remain, to take one further step with me. Literature, the expression of man's feelings and thoughts, his beliefs and hopes; History, the record of his achievements and his failure; Science, the ever-growing sum of his attempts to know, by hypothesis and experiment, the external conditions which determine his sensations and circumscribe his activity—each of these seemingly isolated efforts of the human intelligence proceeds upon presuppositions which are common

* Dill, *op. cit.*, pp. 249-50.

† Tennyson, *Tithonus*.

to them all. But no student has got the full benefit of University teaching unless he has been led on to examine the presuppositions themselves. We say of propositions that one is true and another is false; and the tests which we are accustomed to employ as the criteria of truth—conformity to some external standard, self-consistency, adequacy as explanation, congruity with the rest of our experience—vary according to the subject matter with which the proposition deals. But upon what does the validity of *any* intellectual judgment finally rest? So, again, we say of an act that it is right or wrong, and there is general consensus as to the practical application of the terms. But whence is the authority of the moral imperative derived? And then there emerges, equally insistent, the larger and deeper question still: whether, in the flux of phenomena, there is discoverable by, or revealed to, man any ultimate basis of Reality?

These things may not, and do not, trouble the man in the street, but they have supreme interest and urgency for those who take thought seriously. Nowhere do we stand in greater need of courage and honesty: courage, not to shirk problems, by trying to believe that they do not exist; honesty, in facing solutions, whatever may be their consequences. You cannot get rid of the debt which you owe to yourself and the world as a sentient and self-conscious personality—a “being of large discourse, looking before and after.”—by a simple declaration of insolvency.

We have all known men of lofty courage and inflexible honesty who, in the pursuit of these inquiries, have been driven to the conclusion that the highest categories of experience are illusions; that the boundaries of the knowable are drawn just where the human spirit craves for more and fuller light; that beliefs which cannot be measured by some material calculus must be dismissed as superstitions; except, perhaps, the sunless creed which

*thanks with brief thanksgiving

Whatever gods may be

That no life lives for ever,

That dead men rise up never;

That even the weariest river

Winds somewhere safe to sea.*

But it is not in that direction that the best philosophic teaching of our age is tending. The enormous material development of the last thirty years has been accompanied, in the sphere of thought, especially among the English-speaking peoples, by a growing revolt against the ascendancy of intellectual and spiritual Nihilism. Thirty years and more ago, when I was at Balliol, my own great teacher, Thomas Hill Green—*clarum et venerabile nomen*—and his friend and fellow-worker, Edward Caird, whom Glasgow has since sent to the Mastership of my old College, were almost solitary voices in the opposite sense. But the Time Spirit was working with them, and the living thought of to-day declares, with an ever-swelling emphasis, that there is a solid and unshakable basis, in the very nature and conditions of our

* Swinburne, *The Garden of Proserpine*.

experience, alike for knowledge, for conduct, and for worship.

What then is the sum of the whole matter? For the moment you here can concentrate yourselves on the things of the mind, installed as you are in the citadel of knowledge.

νεον νεοι κρατειτε, και δοκειτε δη

ναίειν απενθῆ

But after these student years are over, the lives of most of us are doomed to be immersed in matter. If the best gift which our University can give us is not to be slowly stifled, we must see to it that we keep the windows of the mind, and of the soul also, open to the light and the air. We must take with us into the dust and tumult, the ambitions and cares, the homely joys and sorrows, which will make up the texture of our days and years, an inextinguishable sense of the things which are unseen, the things which give dignity to service, inspiration to work, purpose to suffering, a value, immeasurable and eternal, to the humblest of human lives.

Provided we live in this temper and spirit, it matters comparatively little whether we take a high or low view of what men's efforts can actually achieve. There is a noble optimism which, in spite of all disappointments and misgivings, holds fast to the faith in what man can do for man. There is also a noble pessimism, which turns in relief from the apparent futility of all such labour to a keener study and a

* Aeschylus, *Prom.* 954-55.

fuller understanding of the works of God. I cannot better illustrate the difference, or more fitly finish what I have to say to you to-day, than by setting side by side two of the greatest utterances of two of our greatest writers—the prayer of a soiled and wordly statesman, who was yet a monarch of thought, and the aspiration of an unsoiled and unwordly dweller in untrodden ways, who was yet supreme in spiritual insight among poets. The prayer is that of Bacon, on the threshold of his *Instauratio Magna*: “Tu postquam conversus es ad spectandum opera quae fecerunt manus tuae, vidisti quod omnia essent bona valde; et requievisti. At homo, conversus ad opera quae fecerunt manus suae, vidit quod omnia essent vanitas et vexatio spiritus; nec ullo modo requievit. Quare si in operibus tuis sudabimus, facies nos visionis tuae et sabbati tui[†] participes.”* The aspiration is that of Wordsworth, in the last of his Sonnets on the River Duddon:

Still glides the Stream, and shall for ever glide;
 The Form remains, the Function never dies;
 While we, the brave, the mighty, and the wise,
 We, Men, who in our morn of youth defied
 The elements, must vanish;—be it so!
 Enough, if something from our hands have power
 To live, and act, and serve the future hour;
 And if, as toward the silent tomb we go,
 Through love, through hope, and faith's transcendent dower,
 We feel that we are greater than we know.†

* *Instauratio Magna: Distributio Operis, ad fin.*

† The River Duddon, Sonnet XXXIV, “After-Thought.”

III

JOHN STUART MILL

OF THE LIBERTY OF THOUGHT AND DISCUSSION

The time, it is to be hoped, is gone by, when any defence would be necessary of the 'liberty of the press' as one of the securities against corrupt or tyrannical government. No argument, we may suppose, can now be needed, against permitting a legislature or an executive, not identified in interest with the people, to prescribe opinions to them, and determine what doctrines or what arguments they shall be allowed to hear. This aspect of the question, besides, has been so often and so triumphantly enforced by preceding writers, that it needs not be specially insisted on in this place. Though the law of England, on the subject of the press, is as servile to this day as it was in the time of the Tudors, there is little danger of its being actually put in force against political discussion, except during some temporary panic, when fear of insurrection drives ministers and judges from their property; and, speaking generally, it is not, in constitutional countries, to be apprehended, that the government, whether completely responsible to the people or not, will often attempt to control the expression of opinion, except when in doing

so it makes itself the organ of the general intolerance of the public. Let us suppose, therefore, that the government is entirely one with the people, and never thinks of exerting any power of coercion unless in agreement with what it conceives to be their voice. But I deny the right of the people to exercise such coercion, either by themselves or by their government. The power itself is illegitimate. The best government has no more title to it than the worst. It is as noxious, or more noxious, when exerted in accordance with public opinion, than when in opposition to it. If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind. Were an opinion a personal possession of no value except to the owner; if to be obstructed in the enjoyment of it were simply a private injury, it would make some difference whether the injury was inflicted only on a few persons or on many. But the peculiar evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error.

It is necessary to consider separately these two hypotheses, each of which has a distinct branch of the argument corresponding to it. We can never be

sure that the opinion we are endeavouring to stifle is a false opinion; and if we were sure, stifling it would be an evil still.

First: the opinion which it is attempted to suppress by authority may possibly be true. Those who desire to suppress it, of course deny its truth; but they are not infallible. They have no authority to decide the question for all mankind, and exclude every other person from the means of judging. To refuse a hearing to an opinion, because they are sure that it is false, is to assume that *their* certainty is the same thing as *absolute* certainty. All silencing of discussion is an assumption of infallibility. Its condemnation may be allowed to rest on this common argument, not the worse for being common.

Unfortunately for the good sense of mankind, the fact of their fallibility is far from carrying the weight in their practical judgment, which is always allowed to it in theory; for while every one well knows himself to be fallible, few think it necessary to take any precautions against their own fallibility, or admit the supposition that any opinion, of which they feel very certain, may be one of the examples of the error to which they acknowledge themselves to be liable. Absolute princes, or others who are accustomed to unlimited deference, usually feel this complete confidence in their own opinions on nearly all subjects. People more happily situated, who sometimes hear their opinions disputed, and are not wholly unused to be set right when they are wrong, place the same unbounded reliance only on such of their opinions as are shared by all who surround them, or to whom

they habitually defer: for in proportions to a man's want of confidence in his own solitary judgment, does he usually repose, with implicit trust, on the infallibility of 'the world' in general. And the world, to each individual, means the part of it with which he comes in contact; his party, his sect, his church, his class of society: the man may be called, by comparison, almost liberal and large-minded to whom it means anything so comprehensive as his own country or his own age. Nor is his faith in this collective authority at all shaken by his being aware that other ages, countries, sects, churches, classes, and parties have thought, and even now think, the exact reverse. He devolves upon his own world the responsibility of being in the right against the dissentient worlds of other people; and it never troubles him that mere accident has decided which of these numerous worlds is the object of his reliance, and that the same causes which make him a Churchman in London, would have made him a Buddhist or a Confucian in Pekin. Yet it is as evident in itself, as any amount of argument can make it, that ages are no more infallible than individuals; every age having held many opinions which subsequent ages have deemed not only false but absurd; and it is as certain that many opinions, now general, will be rejected by future ages, as it is that many, once general, are rejected by the present.

The objection likely to be made to this argument, would probably take some such form as the following. There is no greater assumption of infallibility in forbidding the propagation of error, than in any other thing which is done by public authority on its own

judgment and responsibility. Judgment is given to men that they may use it. Because it may be used erroneously, are men to be told that they ought not to use it at all? To prohibit what they think pernicious, is not claiming exemption from error, but fulfilling the duty incumbent on them, although fallible, of acting on their conscientious conviction. If we were never to act on our opinions, because those opinions may be wrong, we should leave all our interests uncared for, and all our duties unperformed. An objection which applies to all conduct, can be no valid objection to any conduct in particular. It is the duty of governments, and of individuals, to form the truest opinions they can; to form them carefully, and never impose them upon others unless they are quite sure of being right. But when they are sure (such reasoners may say), it is not conscientiousness but cowardice to shrink from acting on their opinions, and allow doctrines which they honestly think dangerous to the welfare of mankind, either in this life or in another, to be scattered abroad without restraint, because other people, in less enlightened times, have persecuted opinions now believed to be true. Let us take care, it may be said, not to make the same mistake: but governments and nations have made mistakes in other things which are not denied to be fit subjects for the exercise of authority, they have laid on bad taxes, made unjust wars. Ought we therefore to lay on no taxes, and, under whatever provocation, make no wars? Men, and governments, must act to the best of their ability. There is no such thing as absolute certainty, but there is

assurance sufficient for the purposes of human life. We may, and must, assume our opinion to be true for the guidance of our own conduct: and it is assuming no more when we forbid bad men to pervert society by the propagation of opinions which we regard as false and pernicious.

I answer, that it is assuming very much more. There is the greatest difference between presuming an opinion to be true, because, with every opportunity for contesting it, it has not been refuted and assuming its truth for the purpose of not permitting its refutation. Complete liberty of contradicting and disproving our opinion, is the very condition which justifies us in assuming its truth for purposes of action; and on no other terms can a being with human faculties have any rational assurance of being right.

When we consider either the history of opinion, or the ordinary conduct of human life, to what is it to be ascribed that the one and the other are no worse than they are? Not certainly to the inherent force of the human understanding; for, on any matter not self-evident, there are ninety-nine persons totally incapable of judging of it, for one who is capable; and the capacity of the hundredth person is only comparative; for the majority of the eminent men of every past generation held many opinions now known to be erroneous, and did or approved numerous things which no one will now justify. Why is it, then, that there is on the whole a preponderance among mankind of rational opinions and rational conduct? If there really is this preponderance—which there must be unless human affairs are, and

have always been, in an almost desperate state—it is owing to a quality of the human mind, the source of every thing respectable in man either as an intellectual or as a moral being, namely, that his errors are corrigible. He is capable of rectifying his mistakes, by discussion and experience. Not by experience alone. There must be discussion, to show how experience is to be interpreted. Wrong opinions and practices gradually yield to fact and argument: but facts and arguments, to produce any effect on the mind, must be brought before it. Very few facts are able to tell their own story, without comments to bring out their meaning. The whole strength and value, then, of human judgment, depending on the one property, that it can be set right when it is wrong, reliance can be placed on it only when the means of setting it right are kept constantly at hand. In the case of any person whose judgment is really deserving of confidence, how has it become so? Because he has kept his mind open to criticism of his opinions and conduct. Because it has been his practice to listen to all that could be said against him; to profit by as much of it as was just, and expound to himself, and upon occasion to others, the fallacy of what was fallacious. Because he has felt, that the only way in which a human being can make some approach to knowing the whole of a subject, is by hearing what can be said about it by persons of every variety of opinion, and studying all modes in which it can be looked at by every character of mind. No wise man ever acquired his wisdom in any mode but this; nor is it in the nature of human intellect to become wise

in any other manner. The steady habit of correcting and completing his own opinion by collating it with those of others, so far from causing doubt and hesitation in carrying it into practice, is the only stable foundation for a just reliance on it: for, being cognisant of all that can, at least obviously, be said against him, and having taken up his position against all gainsayers—knowing that he has sought for objections and difficulties, instead of avoiding them, and has shut out no light which can be thrown upon the subject from any quarter—he has a right to think his judgment better than that of any person, or any multitude, who have not gone through a similar process. °

It is not too much to require that what the wisest of mankind, those who are best entitled to trust their own judgment, find necessary to warrant their relying on it, should be submitted to by that miscellaneous collection of a few wise and many foolish individuals, called the public. The most intolerant of churches, the Roman Catholic Church, even at the canonization of a saint, admits, and listens patiently to, a ‘devil’s advocate.’ The holiest of men, it appears, cannot be admitted to posthumous honours, until all that the devil could say against him is known and weighed. If even the Newtonian philosophy were not permitted to be questioned, mankind could not feel as complete assurance of its truth as they now do. The beliefs which we have most warrant for, have no safeguard to rest on, but a standing invitation to the whole world to prove them unfounded. If the challenge is not accepted, or is accepted and the attempt fails,

we are far enough from certainty still; but we have done the best that the existing state of human reason admits of; we have neglected nothing that could give the truth a chance of reaching us: if the lists are kept open, we may hope that if there be a better truth, it will be found when the human mind is capable of receiving it; and in the meantime we may rely on having attained such approach to truth, as is possible in our own day. This is the amount of certainty attainable by a fallible being, and this the sole way of attaining it.

Strange it is, that men should admit the validity of the arguments for free discussion, but object to their being 'pushed to an extreme'; not seeing that unless the reasons are good for an extreme case, they are not good for any case. Strange that they should imagine that they are not assuming infallibility, when they acknowledge that there should be free discussion on all subjects which can possibly be *doubtful*, but think that some particular principle or doctrine should be forbidden to be questioned because it is so *certain*, that is, because *they are certain* that it is certain. To call any proposition certain, while there is any one who would deny its certainty if permitted, but who is not permitted, is to assume that we ourselves, and those who agree with us, are the judges of certainty, and judges without hearing the other side.

In the present age—which has been described as 'destitute of faith, but terrified at scepticism'—in which people feel sure, not so much that their opinions are true, as that they should not know what to

do without them—the claims of an opinion to be protected from public attack are rested not so much on its truth, as on its importance to society. There are, it is alleged, certain beliefs, so useful, not to say indispensable to well-being, that it is as much the duty of governments to uphold those beliefs, as to protect any other of the interests of society. In a case of such necessity, and so directly in the line of their duty, something less than infallibility may, it is maintained, warrant, and even bind, governments, to act on their own opinion, confirmed by the general opinion of mankind. It is also often argued, and still oftener thought, that none but bad men would desire to weaken these salutary beliefs; and there can be nothing wrong, it is thought, in restraining bad men, and prohibiting what only such men would wish to practise. This mode of thinking makes the justification of restraints on discussion not a question of the truth of doctrines, but of their usefulness; and flatters itself by that means to escape the responsibility of claiming to be an infallible judge of opinions. But those who thus satisfy themselves, do not perceive that the assumption of infallibility is merely shifted from one point to another. The usefulness of an opinion is itself matter of opinion: as disputable, as open to discussion, and requiring discussion as much, as the opinion itself. There is the same need of an infallible judge of opinions to decide an opinion to be noxious, as to decide it to be false, unless the opinion condemned has full opportunity of defending itself. And it will not do to say that the heretic may be allowed to maintain the

utility or harmlessness of his opinion, though forbidden to maintain its truth. The truth of an opinion is part of its utility. If we would know whether or not it is desirable that a proposition should be believed, is it possible to exclude the consideration of whether or not it is true? In the opinion, not of bad men, but of the best men, no belief which is contrary to truth can be really useful: and can you prevent such men from urging that plea, when they are charged with culpability for denying some doctrine which they are told is useful, but which they believe to be false? Those who are on the side of received opinions, never fail to take all possible advantage of this plea; you do not find *them* handling the question of utility as if it could be completely abstracted from that of truth: on the contrary, it is, above all, because their doctrine is 'the truth,' that the knowledge or the belief of it is held to be so indispensable. There can be no fair discussion of the question of usefulness, when an argument so vital may be employed on one side, but not on the other. And in point of fact, when law or public feeling do not permit the truth of an opinion to be disputed, they are just as little tolerant of a denial of its usefulness. The utmost they allow is an extenuation of its absolute necessity, or of the positive guilt of rejecting it.

In order more fully to illustrate the mischief of denying a hearing to opinions because we, in our own judgment, have condemned them, it will be desirable to fix down the discussion to a concrete case; and I choose, by preference, the cases which are least favourable to me—in which the argument against

freedom of opinion, both on the score of truth and on that of utility, is considered the strongest. Let the opinions impugned be the belief in a God and in a future state, or any of the commonly received doctrines of morality. To fight the battle on such ground, gives a great advantage to an unfair antagonist; since he will be sure to say (and many who have no desire to be unfair will say it internally), Are these the doctrines which you do not deem sufficiently certain to be taken under the protection of law? Is the belief in a God one of the opinions, to feel sure of which, you hold to be assuming infallibility? But I must be permitted to observe, that it is not the feeling sure of a doctrine (be it what it may) which I call an assumption of infallibility. It is the undertaking to decide that question *for others*, without allowing them to hear what can be said on the contrary side. And I denounce and reprobate this pretension not the less, if put forth on the side of my most solemn convictions. However positive any one's persuasion may be, not only of the falsity but of the pernicious consequences—not only of the pernicious consequences, but (to adopt expressions which I altogether condemn) the immorality and impiety of an opinion; yet if, in pursuance of that private judgment, though backed by the public judgment of his country or his contemporaries, he prevents the opinion from being heard in its defence, he assumes infallibility. And so far from the assumption being less objectionable or less dangerous because the opinion is called immoral or impious, this is the case of all others in which it is most

fatal. These are exactly the occasions on which the men of one generation commit those dreadful mistakes, which excite the astonishment and horror of posterity. It is among such that we find the instances memorable in history, when the arm of the law has been employed to root out the best men and the noblest doctrines; with deplorable success as to the men, though some of the doctrines have survived to be (as if in mockery) invoked, in defence of similar conduct towards those who dissent from *them*, or from their received interpretation.

Mankind can hardly be too often reminded, that there was once a man named Socrates, between whom and the legal authorities and public opinion of his time, there took place a memorable collision. Born in an age and country abounding in individual greatness, this man has been handed down to us by those who best knew both him and the age, as the most virtuous man in it; while *we* know him as the head and prototype of all subsequent teachers of virtue, the source equally of the lofty inspiration of Plato and the judicious utilitarianism of Aristotle, '*imaēstri di color che sanno*' the two headsprings of ethical as of all other philosophy. This acknowledged master of all the eminent thinkers who have since lived—whose fame, still growing after more than two thousand years, all but outweighs the whole remainder of the names which make his native city illustrious—was put to death by his countrymen, after a judicial conviction, for impiety and immorality. Impiety, in denying the gods recognised by the State; indeed his accuser asserted (see the '*Apologia*') that he

believed in no gods at all. Immorality, in being, by his doctrines and instructions, a 'corruptor of youth.' Of these charges the tribunal, there is every ground for believing, honestly found him guilty, and condemned the man who probably of all then born had deserved best of mankind, to be put to death as a criminal.

To pass from this to the only other instance of judicial iniquity, the mention of which, after the condemnation of Socrates, would not be an anticlimax: the event which took place on Calvary rather more than eighteen hundred years ago. The man who left on the memory of those who witnessed his life and conversation, such an impression of his moral grandeur, that eighteen subsequent centuries have done homage to him as the 'Almighty in person, was ignominiously put to death, as what? As a blasphemer. Men did not merely mistake their benefactor; they mistook him for the exact contrary of what he was, and treated him as that prodigy of impiety, which they themselves are now held to be, for their treatment of him. The feelings with which mankind now regard these lamentable transactions, especially the later of the two, render them extremely unjust in their judgment of the unhappy actors. These were, to all appearance, not bad men—not worse than men commonly are, but rather the contrary; men who possessed in a full, or somewhat more than a full measure, the religious, moral, and patriotic feelings of their time and people: the very kind of men who, in all times, our own included, have every chance of passing through life blameless

and respected. The high-priest who rent his garments when the words were pronounced, which, according to all the ideas of his country, constituted the blackest guilt, was in all probability quite as sincere in his horror and indignation, as the generality of respectable and pious men now are in the religious and moral sentiments they profess; and most of those who now shudder at his conduct, if they had lived in his time, and been born Jews, would have acted precisely as he did. Orthodox Christians who are tempted to think that those who stoned to death the first martyrs must have been worse men than they themselves are, ought to remember that one of those persecutors was Saint Paul.

Let us add one more example, the most striking of all, if the impressiveness of an error is measured by the wisdom and virtue of him who falls into it. If ever any one, possessed of power, had grounds for thinking himself the best and most enlightened among his contemporaries, it was the Emperor Marcus Aurelius. Absolute monarch of the whole civilized world, he preserved through life not only the most unblemished justice, but what was less to be expected from his Stoical breeding, the tenderest heart. The few failings which are attributed to him, were all on the side of indulgence: while his writings, the highest ethical product of the ancient mind, differ scarcely perceptibly, if they differ at all, from the most characteristic teachings of Christ. This man, a better Christian in all but the dogmatic sense of the word, than almost any of the ostensibly Christian sovereigns who have since reigned, persecuted Christianity.

Placed at the summit of all the previous attainments of humanity, with an open, unfettered intellect, and a character which led him of himself to embody in his moral writings the Christian ideal, he yet failed to see that Christianity was to be a good and not an evil to the world, with his duties to which he was so deeply penetrated. Existing society he knew to be in a deplorable state. But such as it was, he saw, or thought he saw, that it was held together, and prevented from being worse, by belief and reverence of the received divinities. As a ruler of mankind, he deemed it his duty not to suffer society to fall in pieces; and saw not how, if its existing ties were removed, any others could be formed which could again knit it together. The new religion openly aimed at dissolving these ties: unless, therefore, it was his duty to adopt that religion, it seemed to be his duty to put it down. Inasmuch then as the theology of Christianity did not appear to him true or of divine origin; in as much as this strange history of a crucified God was not credible to him, and a system which purported to rest entirely upon a foundation to him so wholly unbelievable, could not be foreseen by him to be that renovating agency which, after all abatements, it has in fact proved to be; the gentlest and most amiable of philosophers and rulers, under a solemn sense of duty, authorized the persecution of Christianity. To my mind this is one of the most tragical facts in all history. It is a bitter thought, how different a thing the Christianity of the world might have been, if the Christian faith had been adopted as the religion of the empire under the

auspices of Marcus Aurelius instead of those of Constantine. But it would be equally unjust to him and false to truth, to deny, that no one plea which can be urged for punishing anti-Christian teaching, was wanting to Marcus Aurelius for punishing, as he did, the propagation of Christianity. No Christian more firmly believes that Atheism is false, and tends to the dissolution of society, than Marcus Aurelius believed the same things of Christianity; he who, of all men then living, might have been thought the most capable of appreciating it. Unless any one who approves of punishment for the promulgation of opinions, flatters himself that he is a wiser and better man than Marcus Aurelius—more deeply versed in the wisdom of his time, more elevated in his intellect above it—more earnest in his search for truth, or more single-minded in his devotion to it when found; let him abstain from that assumption of the joint infallibility of himself and the multitude, which the great Antoninus made with so unfortunate a result.

Aware of the impossibility of defending the use of punishment for restraining irreligious opinions, by any argument which will not justify Marcus Antoninus, the enemies of religious freedom, when hard pressed, occasionally accept this consequence, and say, with Dr. Johnson, that the persecutors of Christianity were in the right; that persecution is an ordeal through which truth ought to pass, and always passes successfully, legal penalties being, in the end, powerless against truth, though sometimes beneficially effective against mischievous errors. This is a form

of the argument for religious intolerance, sufficiently remarkable not to be passed without notice.

A theory which maintains that truth may justifiably be persecuted because persecution cannot possibly do it any harm, cannot be charged with being intentionally hostile to the reception of new truths; but we cannot commend the generosity of its dealing with the persons to whom mankind are indebted for them. To discover to the world something which deeply concerns it, and of which it was previously ignorant; to prove to it that it had been mistaken in some vital point of temporal or spiritual interest, is as important a service as a human being can render to his fellow-creatures, and in certain cases, as in those of the early Christians and of the Reformers, those who think with Dr. Johnson believe it to have been the most precious gift which could be bestowed on mankind. That the authors of such splendid benefits should be required by martyrdom; that their reward should be to be dealt with as the vilest of criminals, is not, upon this theory, a deplorable error and misfortune, for which humanity should mourn in sackcloth and ashes, but the normal and justifiable state of things. The propounder of a new truth, according to this doctrine, should stand, as stood, in the legislation of the Locrians, the proposer of a new law, with a halter round his neck, to be instantly tightened if the public assembly did not, on hearing his reasons, then and there adopt his proposition. People who defend this mode of treating benefactors, cannot be supposed to set much value on the benefit; and I believe this view of the subject is mostly confined to the sort of

persons who think that new truths may have been desirable once, but that we have had enough of them now.

But, indeed, the dictum that truth always triumphs over persecution, is one of those pleasant falsehoods which men repeat after one another till they pass into commonplaces, but which all experience refutes. History teems with instances of truth put down by persecution. If not suppressed for ever, it may be thrown back for centuries. To speak only of religious opinions: the Reformation broke out at least twenty times before Luther, and was put down. Arnold of Brescia was put down. Fra Dolcino was put down. Savonarola was put down. The Albigeois were put down. The Vaudois were put down. The Lollards were put down. The Hussites were put down. Even after the era of Luther, wherever persecution was persisted in, it was successful. In Spain, Italy, Flanders, the Austrian empire, Protestantism was rooted out; and, most likely, would have been so in England, had Queen Mary lived, or Queen Elizabeth died. Persecution has always succeeded, save where the heretics were too strong a party to be effectually persecuted. No reasonable person can doubt that Christianity might have been extirpated in the Roman Empire. It spread, and became predominant, because the persecutions were only occasional, lasting but a short time, and separated by long intervals of almost undisturbed propagandism. It is a piece of idle sentimentality that truth, merely as truth, has any inherent power denied to error, of prevailing against the dungeon and the stake. Men are

not more zealous for truth than they often are for error, and a sufficient application of legal or even of social penalties will generally succeed in stopping the propagation of either. The real advantage which truth has, consists in this: that when an opinion is true, it may be extinguished once, twice, or many times, but in the course of ages there will generally be found persons to rediscover it, until some one of its reappearances falls on a time when from favourable circumstances it escapes persecution until it has made such head as to withstand all subsequent attempts to suppress it.

It will be said, that we do not now put to death the introducers of new opinions: we are not like our fathers who slew the prophets, we even build sepulchres to them. It is true we no longer put heretics to death; and the amount of penal infliction which modern feeling would probably tolerate, even against the most obnoxious opinions, is not sufficient to extirpate them. But let us not flatter ourselves that we are yet free from the stain even of legal persecution. Penalties for opinion, or at least for its expression, still exist by law; and their enforcement is not, even in these times, so unexampled as to make it at all incredible that they may some day be revived in full force. In the year 1857, at the summer assizes of the county of Cornwall, an unfortunate man, said to be of unexceptionable conduct in all relations of life, was sentenced to twenty-one months' imprisonment, for uttering, and writing on a gate, some offensive words concerning Christianity. Within a month of the same time, at the Old Bailey, two

persons, on two separate occasions, were rejected as jurymen, and one of them grossly insulted by the judge and by one of the counsel, because they honestly declared that they had no theological belief; and a third, a foreigner, for the same reason, was denied justice against a thief. This refusal of redress took place in virtue of the legal doctrine, that no person can be allowed to give evidence in a court of justice, who does not profess belief in a God (any god is sufficient) and in a future state; which is equivalent to declaring such persons to be outlaws, excluded from the protection of the tribunals; who may not only be robbed or assaulted with impunity, if no one but themselves, or persons of similar opinions, be present, but any one else may be robbed or assaulted with impunity, if the proof of the fact depends on their evidence. The assumption on which this is grounded, is that the oath is worthless, of a person who does not believe in a future state; a proposition which betokens much ignorance of history in those who assent to it (since it is historically true that a large proportion of infidels in all ages have been persons of distinguished integrity and honour); and would be maintained by no one who had the smallest conception how many of the persons in greatest repute with the world, both for virtues and attainments, are well known, at least to their intimates, to be unbelievers. The rule, besides, is suicidal, and cuts away its own foundation. Under pretence that atheists must be liars, it admits the testimony of all atheists who are willing to lie and rejects only those who brave the obloquy of publicly confessing a

detested creed rather than affirm a falsehood. A rule thus self-convicted of absurdity so far as regards its professed purpose, can be kept in force only as a badge of hatred, a relic of persecution; a persecution, too, having the peculiarity, that the qualification for undergoing it, is the being clearly proved not to deserve it. The rule, and the theory it implies, are hardly less insulting to believers than to infidels. For if he who does not believe in a future state, necessarily lies, it follows that they who do believe are only prevented from lying, if prevented they are, by the fear of hell. We will not do the authors and abettors of the rule the injury of supposing, that the conception which they have formed of Christian virtue is drawn from their own consciousness.

These, indeed, are but rags and remnants of persecution, and may be thought to be not so much an indication of the wish to persecute, as an example of that very frequent infirmity of English minds, which makes them take a preposterous pleasure in the assertion of a bad principle, when they are no longer bad enough to desire to carry it really into practice. But unhappily there is no security in the state of the public mind, that the suspension of worse forms of legal persecution, which has lasted for about the space of a generation, will continue. In this age the quiet surface of routine is as often ruffled by attempts to resuscitate past evils, as to introduce new benefits. What is boasted of at the present time as the revival of religion, is always, in narrow and uncultivated minds, at least as much the revival of bigotry; and

where there is the strong permanent leaven of intolerance in the feelings of a people, which at all times abides in the middle classes of this country, it needs but little to provoke them into actively persecuting those whom they have never ceased to think proper objects of persecution. For it is this—it is the opinions men entertain, and the feelings they cherish, respecting those who disown the beliefs they deem important, which makes this country not a place of mental freedom. For a long time past, the chief mischief of the legal penalties is that they strengthen the social stigma. It is that stigma which is really effective, and so effective is it, that the profession of opinions which are under the ban of society is much less common in England, than is, in many other countries, the avowal of those which incur risk of judicial punishment. In respect to all persons but those whose pecuniary circumstances make them independent of the good will of other people, opinion, on this subject, is as efficacious as law; men might as well be imprisoned, as excluded from the means of earning their bread. Those whose bread is already secured, and who desire no favours from men in power, or from bodies of men, or from the public, have nothing to fear from the open avowal of any opinions, but to be ill-thought of and ill-spoken of, and this it ought not to require a very heroic mould to enable them to bear. There is no room for any appeal *ad misericordiam* in behalf of such persons. But though we do not now inflict so much evil on those who think differently from us, as it was formerly our custom to do, it may be that we do

ourselves as much evil as ever by our treatment of them. Socrates was put to death, but the Socratic philosophy rose like the sun in heaven, and spread its illumination over the whole intellectual firmament. Christians were cast to the lions, but the Christian church grew up a stately and spreading tree, overtopping the older and less vigorous growths, and stifling them by its shade. Our merely social intolerance kills no one, roots out no opinions, but induces men to disguise them, or to abstain from any active effort for their diffusion. With us, heretical opinions do not perceptibly gain, or even lose, ground in each decade or generation; they never blaze out far and wide, but continue to smoulder in the narrow circles of thinking and studious persons among whom they originate, without ever lighting up the general affairs of mankind with either a true or a deceptive light. And thus is kept up a state of things very satisfactory to some minds, because, without the unpleasant process of fining or imprisoning anybody, it maintains all prevailing opinions outwardly undisturbed, while it does not absolutely interdict the exercise of reason by dissentients afflicted with the malady of thought. A convenient plan for having peace in the intellectual world, and keeping all things going on therein very much as they do already. But the price paid for this sort of intellectual pacification, is the sacrifice of the entire moral courage of the human mind. A state of things in which a large portion of the most active and inquiring intellect finds it advisable to keep the general principles and grounds of their convictions within their own breasts, and

attempt, in what they address to the public, to fit as much as they can of their own conclusions to premises which they have internally renounced, cannot send forth the open, fearless characters, and logical, consistent intellects who once adorned the thinking world. The sort of men who can be looked for under it, are either mere conformers to common-place, or time-servers for truth, whose arguments on all great subjects are meant for their hearers, and are not those which have convinced themselves. Those who avoid this alternative, do so by narrowing their thoughts and interest to things which can be spoken of without venturing within the region of principles, that is, to small practical matters, which would come right of themselves, if but the minds of mankind were strengthened and enlarged, and which will never be made effectually right until then: while that which would strengthen and enlarge men's minds, free and daring speculation on the highest subjects, is abandoned.

Those in whose eyes this reticence on the part of heretics is no evil, should consider in the first place, that in consequence of it there is never any fair and thorough discussion of heretical opinions; and that such of them as could not stand such a discussion, though they may be prevented from spreading, do not disappear. But it is not the minds of heretics that are deteriorated most, by the ban placed on all inquiry which does not end in the orthodox conclusions. The greatest harm done is to those who are not heretics, and whose whole mental development is cramped, and their reason cowed, by the fear of heresy. Who

can compute what the world loses in the multitude of promising intellects combined with timid characters, who dare not follow out any bold, vigorous, independent train of thought, lest it should land them in something which would admit of being considered irreligious or immoral? Among them we may occasionally see some man of deep conscientiousness, and subtle and refined understanding, who spends a life in sophisticating with an intellect which he cannot silence, and exhausts the resources of ingenuity in attempting to reconcile the promptings of his conscience and reason with orthodoxy, which yet he does not, perhaps, to the end succeed in doing. No one can be a great thinker who does not recognise, that as a thinker it is his first duty to follow his intellect to whatever conclusions it may lead. Truth gains more even by the errors of one who, with due study and preparation, thinks for himself, than by the true opinions of those who only hold them because they do not suffer themselves to think. Not that it is solely, or chiefly, to form great thinkers, that freedom of thinking is required. On the contrary, it is as much and even more indispensable, to enable average human beings to attain the mental stature which they are capable of. There have been, and may again be, great individual thinkers, in a general atmosphere of mental slavery. But there never has been, nor ever will be, in that atmosphere, an intellectually active people. Where any people has made a temporary approach to such a character, it has been because the dread of heterodox speculation was for a time suspended. Where there is a tacit convention that

principles are not to be disputed ; where the discussion of the greatest questions which can occupy humanity is considered to be closed, we cannot hope to find that generally high scale of mental activity which has made some periods of history so remarkable. Never when controversy avoided the subjects which are large and important enough to kindle enthusiasm, was the mind of a people stirred up from its foundations, and the impulse given which raised even persons of the most ordinary intellect to something of the dignity of thinking beings. Of such we have had an example in the condition of Europe during the times immediately following the Reformation; another, though limited to the Continent and to a more cultivated class, in the speculative movement of the latter half of the eighteenth century; and a third, of still briefer duration, in the intellectual fermentation of Germany during the Goethian and Fichtean period. These periods differed widely in the particular opinions which they developed; but were alike in this, that during all three the yoke of authority was broken. In each, an old mental despotism had been thrown off, and no new one had yet taken its place. The impulse given at these three periods has made Europe what it now is. Every single improvement which has taken place either in the human mind or in institutions, may be traced distinctly to one or other of them. Appearances have for sometime indicated that all three impulses are well nigh spent; and we can expect no fresh start, until we again assert our mental freedom.

Let us now pass to the second division of the argument, and dismissing the supposition that any of the received opinions may be false, let us assume them to be true, and examine into the worth of the manner in which they are likely to be held, when their truth is not freely and openly canvassed. However unwillingly a person who has a strong opinion may admit the possibility that his opinion may be false, he ought to be moved by the consideration that however true it may be, if it is not fully, frequently, and fearlessly discussed, it will be held as a dead dogma, not a living truth.

There is a class of persons (happily not quite so numerous as formerly) who think it enough if a person assents undoubtedly to what they think true, though he has no knowledge whatever of the grounds of the opinion, and could not make a tenable defence of it against the most superficial objections. Such persons, if they can once get their creed taught from authority, naturally think that no good, and some harm, comes of its being allowed to be questioned. Where their influence prevails, they make it nearly impossible for the received opinion to be rejected wisely and considerately, though it may still be rejected rashly and ignorantly; for to shut out discussion entirely is seldom possible, and when it once gets in, beliefs not grounded on conviction are apt to give way before the slightest semblance of an argument. Waiving, however, this possibility—assuming that the true opinion abides in the mind, but abides as a prejudice, a belief independent of, and proof against, argument—this is not the way in which truth ought

to be held by a rational being. This is not knowing the truth. Truth, thus held, is but one superstition the more, accidentally clinging to the words which enunciate a truth.

If the intellect and judgment of mankind ought to be cultivated, a thing which Protestants at least do not deny, on what can these faculties be more appropriately exercised by any one, than on the things which concern him so much that it is considered necessary for him to hold opinions on them? If the cultivation of the understanding consists in one thing more than in another, it is surely in learning the grounds of one's own opinions. Whatever people believe, on subjects on which it is of the first importance to believe rightly, they ought to be able to defend against at least the common objections. But, some one may say, 'Let them be *taught* the grounds of their opinions. It does not follow that opinions must be merely parroted because they are never heard controverted. Persons who learn geometry do not simply commit the theorems to memory, but understand and learn likewise the demonstrations; and it would be absurd to say that they remain ignorant of the grounds of geometrical truths, because they never hear any one deny, and attempt to disprove them.' Undoubtedly: and such teaching suffices on a subject like mathematics, where there is nothing at all to be said on the wrong side of the question. The peculiarity of the evidence of mathematical truths is, that all the argument is on one side. There are no objections, and no answers to objections. But on every subject on which difference

of opinion is possible, the truth depends on a balance to be struck between two sets of conflicting reasons. Even in natural philosophy, there is always some other explanation possible of the same facts; some geocentric theory instead of heliocentric, some phlogiston instead of oxygen; and it has to be shown why that other theory cannot be the true one: and until this is shown, and until we know how it is shown, we do not understand the grounds of our opinion. But when we turn to subjects infinitely more complicated, to morals, religion, politics, social relations, and the business of life, three-fourths of the arguments for every disputed opinion consist in dispelling the appearances which favour some opinion different from it. The greatest orator, save one, of antiquity, has left it on record that he always studied his adversary's case with as great, if not still greater, intensity than even his own. What Cicero practised as the means of forensic success, requires to be imitated by all who study any subject in order to arrive at the truth. He who knows only his own side of the case, knows little of that. His reasons may be good, and no one may have been able to refute them. But if he is equally unable to refute the reasons on the opposite side; if he does not so much as know what they are, he has no ground for preferring either opinion. The rational position for him would be suspension of judgment, and unless he contents himself with that, he is either led by authority, or adopts, like the generality of the world, the side to which he feels most inclination. Nor is it enough that he should hear the arguments of

adversaries from his own teachers, presented as they state them, and accompanied by what they offer as refutations. That is not the way to do justice to the arguments, or bring them into real contact with his own mind. He must be able to hear them from persons who actually believe them; who defend them in earnest, and do their very utmost for them. He must know them in their most plausible and persuasive form; he must feel the whole force of the difficulty which the true view of the subject has to encounter and dispose of; else he will never really possess himself of the portion of truth which meets and removes that difficulty. Ninety-nine in a hundred of what are called educated men are in this condition; even of those who can argue fluently for their opinions. Their conclusions may be true, but it might be false for anything they know: they have never thrown themselves into the mental position of those who think differently from them, and considered what such persons may have to say; and consequently they do not, in any proper sense of the word, know the doctrine which they themselves profess. They do not know those parts of it which explain and justify the remainder; the considerations which show that a fact which seemingly conflicts with another is reconcilable with it, or that, of two apparently strong reasons, one and not the other ought to be preferred. All that part of the truth which turns the scale, and decides the judgment of a completely informed mind, they are strangers to; nor is it ever really known, but to those who have attended equally and impartially to both sides, and endeavoured to see the reasons

of both in the strongest light. So essential is this discipline to a real understanding of moral and human subjects, that if opponents of all important truths do not exist, it is indispensable to imagine them, and supply them with the strongest arguments which the most skilful devil's advocate can conjure up.

To abate the force of these considerations, an enemy of free discussion may be supposed to say, that there is no necessity for mankind in general to know and understand all that can be said against or for their opinions by philosophers and theologians. That it is not needful for common men to be able to expose all the misstatements or fallacies of an ingenious opponent. That it is enough if there is always somebody capable of answering them, so that nothing likely to mislead uninstructed persons remains unrefuted. That simple minds, having been taught the obvious grounds of the truths inculcated on them may trust to authority for the rest, and being aware that they have neither knowledge nor talent to resolve every difficulty which can be raised, may repose in the assurance that all those which have been raised have been or can be answered, by those who are specially trained to the task.

Conceding to this view of the subject the utmost that can be claimed for it by those most easily satisfied with the amount of understanding of truth which ought to accompany the belief of it; even so, the argument for free discussion is no way weakened. For even this doctrine acknowledges that mankind

ought to have a rational assurance that all objections have been satisfactorily answered; and how are they to be answered if that which requires to be answered is not spoken? or how can the answer be known to be satisfactory, if the objectors have no opportunity of showing that it is unsatisfactory? If not the public, at least the philosophers and theologians who are to resolve the difficulties, must make themselves familiar with those difficulties in their most puzzling form; and this cannot be accomplished unless they are freely stated, and placed in the most advantageous light which they admit of. The Catholic Church has its own way of dealing with this embarrassing problem. It makes a broad separation between those who can be permitted to receive its doctrines on conviction, and those who must accept them on trust. Neither, indeed, are allowed any choice as to what they will accept; but the clergy, such at least as can be fully confided in, may admissibly and meritoriously make themselves acquainted with the arguments of opponents, in order to answer them, and may therefore, read heretical books; the laity, not unless by special permission, hard to be obtained. This discipline recognises a knowledge of the enemy's case as beneficial to the teachers, but finds means, consistent with this, of denying it to the rest of the world: thus giving to the *élite* more mental culture, though not more mental freedom, than it allows to the mass. By this device it succeeds in obtaining the kind of mental superiority which its purposes require; for though culture without freedom never made a large and liberal mind, it can make a clever

nisi prius advocate of a cause. But in countries professing Protestantism, this resource is denied; since Protestants hold, at least in theory, that the responsibility for the choice of a religion must be borne by each for himself, and cannot be thrown off upon teachers. Besides, in the present state of the world, it is practically impossible that writings which are read by the instructed can be kept from the uninstructed. If the teachers of mankind are to be cognisant of all that they ought to know, everything must be free to be written and published without restraint.

If, however, the mischievous operation of the absence of free discussion, when the received opinions are true, were confined to leaving men ignorant of the grounds of those opinions, it might be thought that this, if an intellectual, is no moral evil, and does not affect the worth of the opinions, regarded in their influence on the character. The fact, however, is, that not only the grounds of the opinion are forgotten in the absence of discussion, but too often the meaning of the opinion itself. The words which convey it, cease to suggest ideas, or suggest only a small portion of those they were originally employed to communicate. Instead of a vivid conception and a living belief, there remain only a few phrases retained by rote; or, if any part, the shell and husk only of the meaning is retained, the finer essence being lost. The great chapter in human history which this fact occupies and fills, cannot be too earnestly studied and meditated on.

It is illustrated in the experience of almost all ethical doctrines and religious creeds. They are all full of meaning and vitality to those who originate them, and to the direct disciples of the originators. Their meaning continues to be felt in undiminished strength, and is perhaps brought out into even fuller consciousness, so long as the struggle lasts to give the doctrine or creed an ascendancy over other creeds. At last it either prevails, and becomes the general opinion, or its progress stops; it keeps possession of the ground it has gained, but ceases to spread further. When either of these results has become apparent, controversy on the subject flags, and gradually dies away. The doctrine has taken its place, if not as a received opinion, as one of the admitted sects or divisions of opinion; those who hold it have generally inherited, not adopted it; and conversion from one of these doctrines to another, being now an exceptional fact, occupies little place in the thoughts of their professors. Instead of being, as at first, constantly on the alert either to defend themselves against the world, or to bring the world over to them, they have subsided into acquiescence, and neither listen, when they can help it, to arguments against their creed, nor trouble dissentients (if there be such) with arguments in its favour. From this time may usually be dated the decline in the living power of the doctrine. We often hear the teachers of all creeds lamenting the difficulty of keeping up in the minds of believers a lively apprehension of the truth which they nominally recognise, so that it may penetrate the feelings, and acquire a

real mastery over the conduct. No such difficulty is complained of while the creed is still fighting for its existence; even the weaker combatants then know and feel what they are fighting for, and the difference between it and other doctrines; and in that period of every creed's existence, not a few persons may be found, who have realised its fundamental principles in all the forms of thought, have weighed and considered them in all their important bearings, and have experienced the full effect on the character, which belief in that creed ought to produce in a mind thoroughly imbued with it. But when it has come to be an hereditary creed, and to be received passively, not actively—when the mind is no longer compelled, in the same degree as at first, to exercise its vital powers on the questions which its belief presents to it, there is a progressive tendency to forget all of the belief except the formularies, or to give it a dull and torpid assent, as if accepting it on trust dispensed with the necessity of realising it in consciousness, or testing it by personal experience; until it almost ceases to connect itself at all with the inner life of the human being. Then are seen the cases, so frequent in this age of the world as almost to form the majority, in which the creed remains as it were outside the mind, incrusting and petrifying it against all other influences addressed to the higher parts of our nature; manifesting its power by not suffering any fresh and living conviction to get in, but itself doing nothing for the mind or heart, except standing sentinel over them to keep them vacant.

To what an extent doctrines intrinsically fitted to make the deepest impression upon the mind may remain in it as dead beliefs, without being ever realised in the imagination, the feelings, or the understanding, is exemplified by the manner in which the majority of believers hold the doctrines of Christianity. By Christianity I here mean what is accounted such by all churches and sects—the maxims and precepts contained in the New Testament. These are considered sacred, and accepted as laws, by all professing Christians. Yet it is scarcely too much to say that not one Christian in a thousand guides or tests his individual conduct by reference to those laws. The standard to which he does refer it, is the custom of his nation, his class, or his religious profession. He has thus, on the one hand, a collection of ethical maxims, which he believes to have been vouchsafed to him by infallible wisdom as rules for his government; and on the other a set of every-day judgments and practices, which go a certain length with some of those maxims, not so great a length with others, stand in direct opposition to some, and are, on the whole, a compromise between the Christian creed and the interests and suggestions of worldly life. To the first of these standards he gives his homage; to the other his real allegiance. All Christians believe that the blessed are the poor and humble, and those who are ill-used by the world; that it is easier for a camel to pass through the eye of a needle than for a rich man to enter the kingdom of heaven; that they should judge not, lest they be judged; that they should swear not at all; that they should love their neighbour

as themselves; that if one take their cloak, they should give him their coat also; that they should take no thought for the morrow; that if they would be perfect they should sell all that they have and give it to the poor. They are not insincere when they say that they believe these things. They do believe them, as people believe what they have always heard lauded and never discussed. But in the sense of that living belief which regulates conduct, they believe these doctrines just up to the point to which it is usual to act upon them. The doctrines in their integrity are serviceable to pelt adversaries with; and it is understood that they are to be put forward (when possible) as the reasons for whatever people do that they think laudable. But any one who reminded them that the maxims require an infinity of things which they never even think of doing, would gain nothing but to be classed among those very unpopular characters who affect to be better than other people. The doctrines have no hold on ordinary believers—are not a power in their minds. They have an habitual respect for the sound of them, but no feeling which spreads from the words to the things signified, and forces the mind to take *them* in, and make them conform to the formula. Whenever conduct is concerned, they look round for Mr. A and B to direct them how far to go in obeying Christ.

Now we may be well assured that the case was not thus, but far otherwise, with the early Christians. Had it been thus, Christianity never would have expanded from an obscure sect of the despised Hebrews into the religion of the Roman empire. When their

enemies said, ' See how these Christians love one another ' (a remark not likely to be made by anybody now), they assuredly had a much livelier feeling of the meaning of their creed than they have ever had since. And to this cause, probably, it is chiefly owing that Christianity now makes so little progress in extending its domain, and after eighteen centuries, is still nearly confined to Europeans and the descendants of Europeans. Even with the strictly religious, who are much in earnest about their doctrines, and attach a greater amount of meaning to many of them than people in general, it commonly happens that the part which is thus comparatively active in their minds is that which was made by Calvin, or Knox, or some such person much nearer in character to themselves. The sayings of Christ coexist passively in their minds, producing hardly any effect beyond what is caused by mere listening to words so amiable and bland. There are many reasons, doubtless, why doctrines which are the badge of a sect retain more of their vitality than those common to all recognised sects, and why more pains are taken by teachers to keep their meaning alive; but one reason certainly is, that the peculiar doctrines are more questioned, and have to be oftener defended against open gainsayers. Both teachers and learners go to sleep at their post, as soon as there is no enemy in the field.

The same thing holds true, generally speaking, of all traditional doctrines—those of prudence and knowledge of life, as well as of morals or religion. All languages and literatures are full of general observations on life, both as to what it is, and how

to conduct oneself in it; observations which everybody knows, which everybody repeats, or hears with acquiescence, which are received as truisms, yet of which most people first truly learn the meaning, when experience, generally of a painful kind, has made it a reality to them. How often, when smarting under some unforeseen misfortune or disappointment, does a person call to mind some proverb or common saying, familiar to him all his life, the meaning of which, if he had ever before felt it as he does now, would have saved him from the calamity. There are indeed reasons for this, other than the absence of discussion: there are many truths of which the full meaning *cannot* be realised, until personal experience has brought it home. But much more of the meaning even of these would have been understood, and what was understood would have been far more deeply impressed on the mind, if the man had been accustomed to hear it argued *pro* and *con* by people who did understand it. The fatal tendency of mankind to leave off thinking about a thing when it is no longer doubtful, is the cause of half their errors. A contemporary author has well spoken of 'the deep slumber of a decided opinion.'

But what! (it may be asked) Is the absence of unanimity an indispensable condition of true knowledge? Is it necessary that some part of mankind should persist in error, to enable any to realise the truth? Does a belief cease to be real and vital as soon as it is generally received—and is a proposition never thoroughly understood and felt unless some doubt of it remains? As soon as mankind have

unanimously accepted a truth, does the truth perish within them? The highest aim and best result of improved intelligence, it has hitherto been thought, is to unite mankind more and more in the acknowledgment of all important truths: and does the intelligence only last as long as it has not achieved its object? Do the fruits of conquest perish by the very completeness of the victory?

I affirm no such thing. As mankind improve, the number of doctrines which are no longer disputed or doubted will be constantly on the increase: and the well-being of mankind may almost be measured by the number and gravity of the truths which have reached the point of being uncontested. The cessation, on one question after another, of serious controversy, is one of the necessary incidents of the consolidation of opinion; a consolidation as salutary in the case of true opinions, as it is dangerous and noxious when the opinions are erroneous. But though this gradual narrowing of the bounds of diversity of opinion is necessary in both senses of the term, being at once inevitable and indispensable, we are not therefore obliged to conclude that all its consequences must be beneficial. The loss of so important an aid to the intelligent and living apprehension of a truth, as is afforded by the necessity of explaining it to, or defending it against, opponents, though not sufficient to outweigh, is no trifling drawback from, the benefit of its universal recognition. Where this advantage can no longer be had, I confess I should like to see the teachers of mankind endeavouring to provide a substitute for it; some contrivance for making the

difficulties of the question as present to the learner's consciousness, as if they were pressed upon him by a dissentient champion, eager for his conversion.

But instead of seeking contrivances for this purpose, they have lost those they formerly had. The Socratic dialectics, so magnificently exemplified in the dialogues of Plato, were a contrivance of this description. They were essentially a negative discussion of the great questions of philosophy and life, directed with consummate skill to the purpose of convincing any one who had merely adopted the commonplaces of received opinion, that he did not understand the subject—that he as yet attached no definite meaning to the doctrines he professed; in order that, becoming aware of his ignorance, he might be put in the way to obtain a stable belief, resting on a clear apprehension both of the meaning of doctrines and of their evidence. The school disputations of the Middle Ages had a somewhat similar object. They were intended to make sure that the pupil understood his own opinion, and (by necessary correlation) the opinion opposed to it, and could enforce the grounds of the one and confute those of the other. These last-mentioned contests had indeed the incurable defect, that the premises appealed to were taken from authority, not from reason; and, as a discipline to the mind, they were in every respect inferior to the powerful dialectics which formed the intellects of the 'Socratici viri': but the modern mind owes far more to both than it is generally willing to admit, and the present modes of education contain nothing which in the smallest degree supplies the place either of the

one or of the other. A person who derives all his instruction from teachers or books, even if he escape the besetting temptation of contenting himself with cram, is under no compulsion to hear both sides; accordingly it is far from a frequent accomplishment, even among thinkers, to know both sides; and the weakest part of what everybody says in defence of his opinion, is what he intends as a reply to antagonists. It is the fashion of the present time to disparage negative logic—that which points out weaknesses in theory or errors in practice, without establishing positive truths. Such negative criticism would indeed be poor enough as an ultimate result; but as a means to attaining any positive knowledge or conviction worthy the name, it cannot be valued too highly; and until people are again systematically trained to it, there will be few great thinkers, and a low general average of intellect, in any but the mathematical and physical departments of speculation. On any other subject no one's opinions deserve the name of knowledge, except so far as he has either had forced upon him by others, or gone through of himself, the same mental process which would have been required of him in carrying on an active controversy with opponents. That, therefore, which when absent, it is so indispensable, but so difficult, to create, how worse than absurd it is to forego, when spontaneously offering itself! If there are any persons who contest a received opinion, or who will do so if law or opinion will let them, let us thank them for it, open our minds to listen to them, and rejoice that there is some one to do for us what we

otherwise ought, if we have any regard for either the certainty or the vitality of our convictions, to do with much greater labour for ourselves.

It still remains to speak of one of the principal causes which make diversity of opinion advantageous, and will continue to do so until mankind shall have entered a stage of intellectual advancement which at present seems at an incalculable distance. We have hitherto considered only two possibilities: that the received opinion may be false, and some other opinion consequently, true; or that, the received opinion being true, a conflict with the opposite error is essential to a clear apprehension and deep feeling of its truth. But there is a commoner case than either of these; when the conflicting doctrines, instead of being one true and the other false, share the truth between them; and the nonconforming opinion is needed to supply the remainder of the truth, of which the received doctrine embodies only a part. Popular opinions, on subjects not palpable to sense, are often true, but seldom or never the whole truth. They are a part of the truth; sometimes a greater, sometimes a smaller part, but exaggerated, distorted, and disjoined from the truths by which they ought to be accompanied and limited. Heretical opinions, on the other hand, are generally some of these suppressed and neglected truths, bursting the bonds which kept them down, and either seeking reconciliation with the truth contained in the common opinion, or fronting it as enemies, and setting themselves up, with similar exclusiveness, as the whole truth. The latter case is hitherto the most frequent, as, in

the human mind, one-sidedness has always been the rule, and many-sidedness the exception. Hence, even in revolutions of opinion, one part of the truth usually sets while another rises. Even progress, which ought to superadd, for the most part only substitutes, one partial and incomplete truth for another; improvement consisting chiefly in this, that the new fragment of truth is more wanted, more adapted to the needs of the time, than that which it displaces. Such being the partial character of prevailing opinions, even when resting on a true foundation, every opinion which embodies somewhat of the portion of truth which the common opinion omits, ought to be considered precious, with whatever amount of error and confusion that truth may be blended. No sober judge of human affairs will feel bound to be indignant because those who force on our notice truths which we should otherwise have overlooked, overlook some of those which we see. Rather, he will think that so long as popular truth is one-sided, it is more desirable than otherwise that unpopular truth should have one-sided assertors too; such being usually the most energetic, and the most likely to compel reluctant attention to the fragment of wisdom which they proclaim as if it were the whole.

Thus, in the eighteenth century, when nearly all the instructed, and all those of the uninstructed who were led by them, were lost in admiration of what is called civilization, and of the marvels of modern science, literature, and philosophy, and while greatly overrating the amount of unlikeness between the men of modern and those of ancient times, indulged the

belief that the whole of the difference was in their own favour; with what a salutary shock did the paradoxes of Rousseau explode like bombshells in the midst, dislocating the compact mass of one-sided opinion, and forcing its elements to recombine in a better form and with additional ingredients. Not that the current opinions were on the whole farther from the truth than Rousseau's were; on the contrary, they were nearer to it; they contained more of positive truth, and very much less of error. Nevertheless there lay in Rousseau's doctrine, and has floated down the stream of opinion with it, a considerable amount of exactly those truths which the popular opinion wanted; and these are the deposit which was left behind when the flood subsided. The superior worth of simplicity of life, the enervating and demoralising effect of the trammels and hypocrisies of artificial society, are ideas which have never been entirely absent from cultivated minds since Rousseau wrote; and they will in time produce their due effect, though at present needing to be asserted as much as ever, and to be asserted by deeds, for words, on this subject, have nearly exhausted their power.

In politics, again, it is almost a commonplace, that a party of order or stability, and a party of progress or reform, are both necessary elements of a healthy state of political life; until the one or the other shall have so enlarged its mental grasp as to be a party equally of order and of progress, knowing and distinguishing what is fit to be preserved from what ought to be swept away. Each of these modes of thinking derives its utility from the deficiencies of

the other; but it is in a great measure the opposition of the other that keeps each within the limits of reason and sanity. Unless opinions favourable to democracy and to aristocracy, to property and to equality, to co-operation and to competition, to luxury and to abstinence, to sociality and individuality, to liberty and discipline, and all the other standing antagonisms of practical life, are expressed with equal freedom, and enforced and defended with equal talent and energy, there is no chance of both elements obtaining their due; one scale is sure to go up, and the other down. Truth, in the great practical concerns of life, is so much a question of the reconciling and combining of opposites, that very few have minds sufficiently capacious and impartial to make the adjustment with an approach to correctness, and it has to be made by the rough process of a struggle between combatants fighting under hostile banners. On any of the great open questions just enumerated, if either of the two opinions has a better claim than the other, not merely to be tolerated, but to be encouraged and countenanced, it is the one which happens at the particular time and place to be in a minority. That is the opinion which, for the time being, represents the neglected interests, the side of human well-being which is in danger of obtaining less than its share. I am aware that there is not, in this country, any intolerance of differences of opinion on most of these topics. They are adduced to show, by admitted and multiplied examples, the universality of the fact, that only through diversity of opinion is there, in the existing state of human intellect, a

chance of fair play to all sides of the truth. When there are persons to be found, who form an exception to the apparent unanimity of the world on any subject, even if the world is in the right, it is always probable that dissentients have something worth hearing to say for themselves, and that truth would lose something by their silence.

It may be objected, 'But *some* received principles, especially on the highest and most vital subjects, are more than half-truths. The Christian morality, for instance, is the whole truth on that subject, and if any one teaches a morality which varies from it, he is wholly in error.' As this is of all cases the most important in practice, none can be fitter to test the general maxim. But before pronouncing what Christian morality is or is not, 'it would be desirable to decide what is meant by Christian morality. If it means the morality of the New Testament, I wonder that any one who derives his knowledge of this from the book itself, can suppose that it was announced, or intended, as a complete doctrine of morals. The Gospel always refers to a pre-existing morality, and confines its precepts to the particulars in which that morality was to be corrected, or superseded by a wider and higher; expressing itself, moreover, in terms most general, often impossible to be interpreted literally, and possessing rather the impressiveness of poetry or eloquence than the precision of legislation. To extract from it a body of ethical doctrine, has never been possible without eking it out from the Old Testament, that is, from a system elaborate indeed, but in many respects barbarous, and intended only

for a barbarous people. St. Paul, a declared enemy to this Judaical mode of interpreting the doctrine and filling up the scheme of his Master, equally assumes a pre-existing morality, namely, that of the Greeks and Romans; and his advice to Christians is in a great measure a system of accommodation to that; even to the extent of giving an apparent sanction to slavery. What is called Christian, but should rather be termed theological, morality, was not the work of Christ or the Apostles, but is of much later origin, having been gradually built up by the Catholic church of the first five centuries, and though not implicitly adopted by moderns and Protestants, has been much less modified by them than might have been expected. For the most part, indeed, they have contented themselves with cutting off the additions which had been made to it in the Middle Ages, each sect supplying the place by fresh additions, adapted to its own characters and tendencies. That mankind owe a great debt to this morality, and to its early teachers, I should be the last person to deny; but I do not scruple to say of it that it is in many important points, incomplete and one-sided, and that unless ideas and feelings, not sanctioned by it, had contributed to the formation of European life and character, human affairs would have been in a worse condition than they now are. Christian morality (so called) has all the characters of a reaction; it is, in great part, a protest against Paganism. Its ideal is negative rather than positive; passive rather than active; Innocence rather than Nobleness; Abstinence from Evil, rather than energetic Pursuit of Good;

in its precepts (as has been well said) 'thou shalt not' predominates unduly over 'thou shalt.' In its horror of sensuality, it made an idol of asceticism, which has been gradually compromised away into one of legality. It holds out the hope of heaven and the threat of hell, as the appointed and appropriate motives to a virtuous life: in this falling far below the best of the ancients, and doing what lies in it to give to human morality an essentially selfish character, by disconnecting each man's feelings of duty from the interests of his fellow-creatures, except so far as a self-interested inducement is offered to him for consulting them. It is essentially a doctrine of passive obedience; it inculcates submission to all authorities found established; who indeed are not to be actively obeyed when they command what religion forbids, but who are not to be resisted, far less rebelled against, for any amount of wrong to ourselves. And while, in the morality of the best Pagan nations, duty to the State holds even a disproportionate place, infringing on the just liberty of the individual; in purely Christian ethics, that grand department of duty is scarcely noticed or acknowledged. It is in the Koran, not the New Testament, that we read the maxim—'A ruler who appoints any man to an office, when there is in his dominions another man better qualified for it, sins against God and against the State.' What little recognition the idea of obligation to the public obtains in modern morality, is derived from Greek and Roman sources, not from Christian; as, even in the morality of private life, whatever exists of magnanimity,

high-mindedness, personal dignity, even the sense of honour, is derived from the purely human, not the religious part of our education, and never could have grown out of a standard of ethics in which the only worth, professedly recognised, is that of obedience.

I am as far as any one from pretending that these defects are necessarily inherent in the Christian ethics, in every manner in which it can be conceived, or that the many requisites of a complete moral doctrine which it does not contain, do not admit of being reconciled with it. Far less would I insinuate this of the doctrines and precepts of Christ himself. I believe that the sayings of Christ are all, that I can see any evidence of their having been intended to be; that they are irreconcilable with nothing which a comprehensive morality requires; that everything which is excellent in ethics may be brought within them, with no greater violence to their language than has been done to it by all who have attempted to deduce from them any practical system of conduct whatever. But it is quite consistent with this, to believe that they contain, and were meant to contain, only a part of the truth; that many essential elements of the highest morality are among the things which are not provided for, nor intended to be provided for, in the recorded deliverances of the Founder of Christianity, and which have been entirely thrown aside in the system of ethics erected on the basis of those deliverances by the Christian Church. And this being so, I think it a great error to persist in attempting to find in the Christian doctrine that

complete rule for our guidance, which its author intended it to sanction and enforce, but only partially to provide. I believe, too, that this narrow theory is becoming a grave practical evil, detracting greatly from the moral training and instruction, which so many well-meaning persons are now at length exerting themselves to promote. I much fear that by attempting to form the mind and feelings on an exclusively religious type, and discarding those secular standards (as for want of a better name they may be called) which heretofore co-existed with and supplemented the Christian ethics, receiving some of its spirit, and infusing into it some of theirs, there will result, and is even now resulting, a low, abject, servile type of character, which, submit itself as it may to what it deems the Supreme Will, is incapable of rising to or sympathising in the conception of Supreme Goodness. I believe that other ethics than any which can be evolved from exclusively Christian sources, must exist side by side with Christian ethics to produce the moral regeneration of mankind; and that the Christian system is no exception to the rule, that in an imperfect state of the human mind, the interests of truth require a diversity of opinions. It is not necessary that in ceasing to ignore the moral truths not contained in Christianity, men should ignore any of those which it does contain. Such prejudice, or oversight, when it occurs, is altogether an evil; but it is one from which we cannot hope to be always exempt, and must be regarded as the price paid for an inestimable good. The exclusive pretension made by a part of the truth to be the whole, must and

ought to be protested against; and if a reactionary impulse should make the protestors unjust in their turn, this one-sidedness, like the other, may be lamented, but must be tolerated. If Christians would teach infidels to be just to Christianity, they should themselves be just to infidelity. It can do truth no service to blink the fact, known to all who have the most ordinary acquaintance with literary history, that a large portion of the noblest and most valuable moral teaching has been the work, not only of men who did not know, but of men who knew and rejected, the Christian faith.

I do not pretend that the most unlimited use of the freedom of enunciating all possible opinions would put an end to the evils of religious or philosophical sectarianism. Every truth which men of narrow capacity are in earnest about, is sure to be asserted, inculcated, and in many ways even acted on, as if no other truth existed in the world, or at all events none that could limit or qualify the first. I acknowledge that the tendency of all opinions to become sectarian is not cured by the freest discussion, but is often heightened and exacerbated thereby; the truth which ought to have been, but was not, seen, being rejected all the more violently because proclaimed by persons regarded as opponents. But it is not on the impassioned partisan, it is on the calmer and more disinterested bystander, that this collision of opinions works its salutary effect. Not the violent conflict between parts of the truth, but the quiet suppression of half of it, is the formidable evil; there is always hope when people are forced to listen to both sides; it is

when they attend only to one that errors harden into prejudices and truth itself ceases to have the effect of truth, by being exaggerated into falsehood. And since there are few mental attributes more rare than that judicial faculty which can sit in intelligent judgment between two sides of a question, of which only one is represented by an advocate before it, truth has no chance but in proportion as every side of it, every opinion which embodies any fraction of the truth, not only finds advocates, but is so advocated as to be listened to.

We have now recognised the necessity to the mental well-being of mankind (on which all their other well-being depends) of freedom of opinion, and freedom of the expression of opinion, on four distinct grounds; which we will now briefly recapitulate.

First, if any opinion is compelled to silence, that opinion may, for aught we can certainly know, be true. To deny this is to assume our own infallibility.

Secondly, though the silenced opinion be an error, it may, and very commonly does, contain a portion of truth; and since the general or prevailing opinion on any subject is rarely or never the whole truth, it is only by the collision of adverse opinions that the remainder of the truth has any chance of being supplied.

Thirdly, even if the received opinion be not only true, but the whole truth; unless it is suffered to be, and actually is, vigorously and earnestly contested, it will, by most of those who receive it, be held in the manner of a prejudice, with little comprehension

or feeling of its rational grounds. And not only this, but, fourthly, the meaning of the doctrine itself will be in danger of being lost, or enfeebled, and deprived of its vital effect on the character and conduct: the dogma becoming a mere formal profession, inefficacious for good, but cumbering the ground, and preventing the growth of any real and heartfelt conviction, from reason or personal experience.

Before quitting the subject of freedom of opinion, it is fit to take some notice of those who say, that the free expression of all opinions should be permitted, on condition that the manner be temperate, and do not pass the bounds of fair discussion. Much might be said on the impossibility of fixing where these supposed bounds are to be placed; for if the test be offence to those whose opinions are attacked, I think experience testifies that this offence is given whenever the attack is telling and powerful, and that every opponent who pushes them hard, and whom they find it difficult to answer, appears to them, if he shows any strong feeling on the subject, an intemperate opponent. But this, though an important consideration in a practical point of view, merges in a more fundamental objection. Undoubtedly the manner of asserting an opinion, even though it be a true one, may be very objectionable, and may justly incur severe censure. But the principal offences of the kind are such as it is mostly impossible, unless by accidental self-betrayal, to bring home to conviction. The gravest of them is, to argue sophistically, to suppress facts or arguments, to misstate the

elements of the case, or misrepresent the opposite opinion. But all this, even to the most aggravated degree, is so continually done in perfect good faith, by persons who are not considered, and in many other respects may not deserve to be considered, ignorant or incompetent, that it is rarely possible, on adequate grounds, conscientiously to stamp the misrepresentation as morally culpable; and still less could law presume to interfere with this kind of controversial misconduct. With regard to what is commonly meant by intemperate discussion, namely invective, sarcasm, personality, and the like, the denunciation of these weapons would deserve more sympathy if it were ever proposed to interdict them equally to both sides, but it is only desired to restrain the employment of them against the prevailing opinion: against the unprevailing they may not only be used without general disapproval, but will be likely to obtain for him who uses them the praise of honest zeal and righteous indignation. Yet whatever mischief arises from their use, is greatest when they are employed against the comparatively defenceless; and whatever unfair advantage can be derived by any opinion from this mode of asserting it, accrues, almost exclusively to received opinions. The worst offence of this kind which can be committed by a polemic, is to stigmatise those who hold the contrary opinion as bad and immoral men. To calumny of this sort, those who hold any unpopular opinion are peculiarly exposed, because they are in general few and uninfluential, and nobody but themselves feels much interested in seeing justice done them; but this

weapon is, from the nature of the case, denied to those who attack a prevailing opinion: they can neither use it with safety to themselves, nor, if they could, would it do anything but recoil on their own cause. In general, opinions contrary to those commonly received can only obtain a hearing by studied moderation of language, and the most cautious avoidance of unnecessary offence, from which they hardly ever deviate even in a slight degree without losing ground: while unmeasured vituperation employed on the side of the prevailing opinion, really does deter people from professing contrary opinions, and from listening to those who profess them. For the interest, therefore, of truth and justice, it is far more important to restrain this employment of vituperative language than the other; and, for example, if it were necessary to choose, there would be much more need to discourage offensive attacks on infidelity than on religion. It is, however, obvious that law and authority have no business with restraining either, while opinion ought, in every instance, to determine its verdict by the circumstances of the individual case; condemning every one, on whichever side of the argument he places himself, in whose mode of advocacy either want of candour, or malignity, bigotry, or intolerance of feeling manifest themselves; but not inferring these vices from the side which a person takes, though it be the contrary side of the question to our own: and giving merited honour to every one, whatever opinion he may hold, who has calmness to see and honesty to state what his opponents and their opinions really are exaggerating

nothing to their discredit, keeping nothing back which tells, or can be supposed to tell, in their favour. This is the real morality of public discussion: and if often violated, I am happy to think that there are many controversialists who to a great extent observe it, and a still greater number who conscientiously strive towards it.

IV

LORD HALDANE

THE DEDICATED LIFE *

It is your custom to leave to the Rector freedom of choice in the subject of his address. I take this freedom to mean that he may, within well-understood limits, turn to the topics that interest him most and to the tidings that he would fain speak of. With me it has happened that the personal history of the thirty-four years that have passed since I entered this University as an undergraduate has been the story of the growth and deepening of a conviction. It is this conviction that I shall to-day seek to put into words. I shall ask you to bear patiently with me while I strive to express it.

What at present occupies my time is public business; and it is my daily task, in conducting that business, to remember and to remind others that the end which the State and its members have to strive after is the development of the State. No such development can be genuine unless it stands for progress in the realisation of some great purpose. It is a truism, and yet a much forgotten truism, to say that such purposes cannot be great if they are narrow.

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The ends aimed at by those engaged in public affairs must be based on foundations both wide and sure; but no foundations are wide or sure unless they are such that all the world can be legitimately asked to accept them as foundations. Such a test leaves room for abundance of healthy party difference and criticism, but it insists on that without which there cannot be real stability. The foundation of purpose in the State, through all changes of party policy, must, if the national life is to grow permanently and not diminish, to prosper and not to fade, be ethical. A nation can insist on its just rights and on due respect from other nations, and yet seek to understand and meet their efforts after their own development. A certain cosmopolitanism is of the essence of strength. It is not brute force, but moral power, that commands predominance in the world. This becomes more and more plain as civilisation at large progressively emerges from barbarism, and other nations increase in capacity to acquire and to rule. In the result it is the voice of the majority of the States of the earth that must determine which of them can be trusted to occupy the foremost places as trustees for the rest. Armaments, of course, tell, but even the most powerfully armed nation cannot in these days hold its own without a certain measure of assent from those around. And perhaps the time is near when armaments will count for so much less than is the case to-day, that they will tend to diminish, and ultimately to become extinct. I am not so sanguine as to believe that the good impulses of even what I firmly believe to be the majority of men will prove the sole

or even the proximate influence in bringing this about. The appallingly increased effectiveness of the means of destruction, to which the advancing science of war is yearly adding, and the accompanying increase in the burden of cost, are progressively cogent arguments. The whole system tends to work its way to its own abolition. What can most help and give free scope to this tendency is the genuine acceptance by the nations of a common purpose of deliverance from the burden—a purpose which the necessities of their citizens will surely bring, however slowly, into operation.

It is not, therefore, merely after brute power that a nation can in these days safely set itself to strive. Leadership among the peoples of the earth depends on the possession of a deeper insight. In national as in private life the power of domination depends on individuality—the individuality that baffles description and much more definition, because it combines qualities that, taken in isolation, are apparently contradictory. Among the States, as among their private citizens, the individuality that is most formidable is formidable because of qualities that are not merely physical. It commands respect and submission because it impresses on those with whom it comes in daily contact a sense of largeness and of moral and intellectual power. Such qualities may, and generally do, carry with them skill in armaments. This, however, is a consequence, and not a cause. It was the moral and intellectual equipment of Greece and Rome that made them world-powers. So it has been with Japan in our own time. And

without moral and intellectual equipment of the highest order no nation can to-day remain a world-power. The Turks, who in the sixteenth century were perhaps the most formidable people in Europe, are a case in point.

But if this be so, then the first purpose of a nation—and especially, in these days of growth all round, of a modern nation—ought to be to concentrate its energies on its moral and intellectual development. And this means that because, as the instruments of this development, it requires leaders, it must apply itself to providing the schools where alone leaders can be adequately trained. The so-called heaven-born leader has a genius so strong that he will come to the front by sheer force of that genius almost wherever his lot be cast, for he is heaven-born in the sense that he is not like other men. But in these days of specialised function, a nation requires many leaders of a type less rare—subordinates who obediently accept the higher command and carry it out, but who still are, relatively speaking, leaders. Such men cannot, for by far the greater part, be men of genius; and yet the part they play is necessary, and because it is necessary the State must provide for their production and their nurture. At this point the history of the modern State shows that the University plays an important part. The elementary school raises our people to the level at which they may become skilled workers. The secondary school assists to develop a much smaller but still large class of well-educated citizens. But for the production of that limited body of men and women whose calling requires

high talent, the University or its equivalent alone suffices. Moreover, the University does more. For it is the almost indispensable portal to the career of the highest and most exceptionally trained type of citizen. Not knowledge, not high quality, sought for the sake of some price to be obtained for them, but knowledge and quality for the sake of knowledge and quality are what are essential, and what the University must seek to produce. If Universities exist in sufficient numbers and strive genuinely to foster, as the outcome of their training, the moral and intellectual virtue which is to be its own reward, the humanity which has the ethical significance that ought to be inseparable from high culture, then the State need not despair. For from among men who have attained to this level there will, if there be a sufficient supply of them, emerge those who have that power of command which is born of penetrating insight. Such a power generally carries in its train the gift of organisation, and organisation is one of the foundations of national strength.

About the capacity to organise I wish to say something before I pass on. It is a gift of far-reaching significance. It is operative alike in private and in public life, and it imports two separate stages in its application. The first is that of taking thought and fashioning a comprehensive plan, and the second is the putting into operation the plan so fashioned. The success of what is done depends on the thoroughness of the thinking that underlies it. The thought itself is never complete apart from the execution, for in the course of execution it is brought to the test,

and may even modify and refashion itself. The most perfect scientific treatise, the most finished work of art, has to a great extent become what it is only in the actual execution. And yet the result has in reality been but the development of what had to be there before the start was made. The greatest statesmen and the greatest generals are those who have adapted their plans to circumstances, and yet the capacity for forming plans in advance has been of the essence of their greatness.

Now, it often happens in organisation on a great scale that the work of fashioning the broad features of the plan is done by one man or one set of men, and the work of realising the ideas so matured by another. For any task that is very great, and must extend over much time, co-operation is essential. The thinker and the man of action must work in close conjunction, but they need not be, and generally cannot be, the same person, nor need they live at the same time. The history of perhaps the most remarkable case of organisation based on culture—the case of Germany in the nineteenth century—is highly suggestive on this point. For the beginning of the story we must turn back to the beginning of the nineteenth century. After the Battle of Jena, Germany was under the heel of Napoleon. From the point of view of brute force she was crushed. In vain she shook at her chains; the man was too strong for her. But there is a power that is greater than that of the sword—the power of the spirit. The world was now to witness the wonderful might of thought. Germany was weak and poor, and she had

no Frederick the Great to raise her. But she had a possession that, even from a material standpoint, was to prove of far greater importance to her in the long run. Since the best days of ancient Greece there had been no such galaxy of profound thinkers as those who were to be found in Berlin, and Weimar, and Jena, gazing on the smoking ruins which Napoleon had left behind. Beaten soldiers and second-rate politicians gave place to some of the greatest philosophers and poets that the world has seen for 2,000 years. These men refashioned the conception of the State, and through their disciples there penetrated to the public the thought that the life of the State, with its controlling power for good, was as real and as great as the life of the individual. Men and women were taught to feel that in the law and order which will be brought about by the general will alone was freedom in the deepest and truest sense to be found—the freedom which was to be realised only by those who had accepted wholeheartedly the largest ends in place of particular and selfish aspirations. The State obtained through this teaching a new significance in relation to moral order, and this new significance began gradually to be grasped by the people. The best of them learned a yet farther-reaching lesson, that none but the largest outlook can suffice for the discovery of the meaning of life or the attainment of peace of soul. It is not in some world apart that the infinite is to be sought, but here and now, in the duties that lie next to each. No longer need men sit down and long for something afar from the scene of their toil, something that by its

very nature as abstract and apart can never be reached. The end is already attained in the striving to realise it. Faust at last discovered happiness at the very end of his career. But it was not an external good reached that made him for the first time exclaim to a passing moment, "Stay, thou art fair!" It was the flashing on his mind of a great truth: "That man alone attains to life and freedom who daily has to conquer them anew." The true leader must teach to his countrymen the gospel of the wide outlook. He must bid them live the larger life, be unselfish, be helpful, be reverent. But he must teach them yet more. He must fill the minds of those who hear him, even of such as are in the depths of national despair, with the sense of the greatness of which human nature is capable.

Such was the lesson taught to downcast Germany at the beginning of last century. It was taught by a succession of great men. The world has hardly before seen a formative influence so powerful brought to bear on the youth of a nation. Its strength lay in the wonderful combination, directed to a common end, of genius of the most diverse kind. In science, in philosophy, in theology, in poetry, in music, the Higher Command was given and obeyed, and the subordinate leaders, penetrated by great ideas, set to work animated by the same spirit. One notable result was the life which, almost from the first, was breathed into the Universities of Germany. The new ideas dominated them, and they were to remain dominated by these ideas for nearly half a century. Along with a conception of the reality and importance

of the State, which was of almost exaggerated magnitude, there grew up the reverent acceptance of the necessity of thought as a preliminary to action. The result was a tendency to organisation in every direction, and the rule of the organising spirit. This took hold as it had never before taken hold of any nation. The great thinkers and their disciples were quick to perceive that if Germany could not, as she was, rival France, with Napoleon as the leader of the French nation, she might yet evolve in course of time a military organisation to whose perfection no limit could be set. Scharnhorst and Clausewitz showed the way, and began the work which was to be completed by Moltke and Roon and Bismarck. But it was not to military organisation that the German mind turned first of all. The leaders saw clearly that education was the key to all advance, and they set to work to prepare for the education of the people. The work took sixty years to complete, but completed it was at last, with a thoroughness the like of which the world has hardly seen elsewhere. For again the spirit of organisation, of the systematic action which is based on preliminary and systematic thinking, was at work. The German scheme of education stands out to-day as a single whole, containing within itself its three great stages. As a triumph of the spirit of organisation it is unrivalled, except by that wonderful outcome of scientific arrangement—the German Army. And the means by which all these things were called into existence and brought about was chiefly the co-operation of the University with the State in producing

the men who were to lead and to develop the organisation.

Germany is to-day immersed in practical affairs. But she cherishes the educational and military institutions, of which the great figures of the early nineteenth century were the real founders. The development of her technical high schools and of her navy, under the brilliant leadership of the Emperor William II, shows that she has not lost the faculty which came to her through them. When the lesson of self-organisation is once learned by a people, it is not readily forgotten. The habit survives the effort that initiated it. But this has another side, the drawback of which must not be overlooked. Recent German literature points to effects of organisation on the history of German life other than those I have spoken of. When a leader of genius comes forward, the people may bow before him, and surrender their wills, and eagerly obey. Such was the response to the great German leaders of thought of a century since. But men like these dominated because they inspired, and lifted those they inspired to a new sense of freedom gained. To obey the commanding voice was to rise to a further and wider outlook, and to gain a fresh purpose. Organisation, were it in daily affairs, or in the national life, or in the pursuit of learning, was a consequence and not a cause. But this happy state of things by degrees passed, as its novelty and the original leaders passed away. It revived for a time later in its national aspect under the inspiration of the struggle for German unity and supremacy. But, so far as the lead in the region of

pure intellect was concerned, the great pioneers had nearly all gone by 1832, and the schools of thought which they had founded had began rapidly to break up. What did remain were the Universities, and these bore on the torch. Yet even the Universities could not avert a change which was gradually setting in. After 1832 the source of the movement ceased for the time to be personality. A great policy had become merged in habit, and was now the routine of the life of the State. As a consequence, the deadening effect of officialdom had begun to make itself felt. To-day in Germany there are murmurs to be heard on many sides about the extent to which the life and freedom of the individual citizen are hemmed in by the State supervision and control which surround him, and which endure almost from the cradle to the grave. The long period of practically enforced attendance at the secondary school for him who seeks to make anything of life; the terror of failure in that leaving examination, to fail in which threatens to end the young man's career; the feeling that the effect on life of compulsory military service cannot be certainly estimated; the State supervision and control of the citizen in later days; all these are leading some Germans to raise the question whether a great policy has not been pushed forward beyond the limits within which it must be kept, if initiative and self-reliance are not to be arrested in their growth. Where we in this country are most formidable as competitors with the Germans is in our dealings with the unforeseen situations which are always suddenly arising in national life, political and commercial

alike. We are trained to depend, not on the State, which gives us, perhaps, too little help, but on ourselves. So it has been notably in the story of our Colonial development. The habit of self-reliance and of looking to nothing behind for support has developed with us the capacity of individual initiative and of rule in uncivilised surroundings in a way which makes some reflecting Germans pause and ask whether all is well with them. They point to our great Public Schools, and compare them with their own great secondary schools. They are, many of them, asking to-day whether the German gymnasium, with its faultlessly complete system not only of teaching but of moulding youth, really compares altogether favourably with our unorganised Eton and Harrow, where learning may be loose, but where the boys rule themselves as in a small State, and are encouraged by the teachers to do so. Thus, declare some of the modern German critics, are leaders of men produced and nurtured, with the result that they rule wherever they go, and that when they migrate to distant lands they love their school and their country in a way that is not possible for the German of to-day, who has not in the same fashion known what it is to rely on himself alone.

I do not desire either to extol or to detract from the spectacle which our great commercial and political rival on the continent of Europe presents. She has to learn from us, as well as we from her. I would only point to the lesson she has taught us of the value of organisation and the part the Universities have played in it. Like all valuable principles,

that of the duty to organise may be ridden too hard, but into this danger our national characteristics are not likely to let us fall. But let us turn from the contemplation of these ideals to the actualities of our Scottish University life, and glance at the possibilities which that life affords. You are, most of you, the sons and daughters of parents whose care has been that you should have the higher education. Riches were not theirs. Perhaps a struggle has been necessary in order to give you your chance. Some of the best of you strive hard to lighten the burden and to make yourselves self-supporting. Bursaries and scholarships and employment in private teaching are the aids to which many of you look. Most of you have to content yourselves with necessities and cannot ask for luxuries, nor do the most eminent among you seek these. Learning is a jealous mistress. The life of the scholar makes more demand for concentration than any other life. He who would really live in the spirit of the classics must toil hard to attain that sense of easy mastery of their language which is vital to his endeavour. The mathematician and the physicist who seek to wield the potent instruments of the higher analysis, must labour long and devotedly. To contribute to the sum total of science by original research demands not only many hours of the day spent in the laboratory, but, as a rule, vast reading in addition, and that in several languages. The student of philosophy must live for and think of little else before he can get rid of the habit of unconsciously applying in his inquiries categories which are inapplicable to their subject matter. For

he has to learn that it is not only in practical life that the abstract and narrow mind is a hindrance to progress, and an obstacle in the way to reality.

And as it is with the finished scholar so it is even with the beginner. He is subject to the same temptations, is apt to be deflected by the same tendencies. Nothing but the passion for excellence, the domination of a single purpose which admits of no foreign intrusion, can suffice for him who would reach the heights. As the older man moulds his life in order that he may pursue his way apart from the distractions of the commonplace, so it is with the best students in the University. They live for their work, and as far as can be, for that alone. They choose their companions with a view to the stimulus of contact with a sympathetic mind. Social intercourse is a means to an end, and that end is the pursuit of the object for which the best kind of student has come to the University. His aim is to grow in mental stature and to enlarge his outlook. This he seeks after quite simply and without affectation, and the reason is that what he aims at is an end in itself, which he follows reverently and with single-minded devotion. I am speaking of men such as I used to observe daily in this University thirty years ago, and I doubt not—nay, I know—that the breed is not extinct, and that my native Scotland sends to-day to the portals of the old walls just such material as she did a generation since.

In no other way of life, not even in those which witness the busy chase after wealth and political power, is such concentration to be found as is required

in the way of life of the genuine student. Whether he be professor or undergraduate, the same thing is demanded of him. He must train himself away from the idea of spending much time on amusement unconnected with his work. His field of study may be wide; he may find rest in the very variety of what he is constantly exploring. But the level of effort must ever be high if he is to make the most of the short span of existence. Art is long, and Life is short. The night in which no man can work comes quickly enough to us all. The other day I read some reports which had been procured for me of the fashion in which the Japanese Government had provided for the training of the officers who led their countrymen to victory on the plains and in the passes of Manchuria. There were recorded in these dry official reports things that impressed me much. In the first place, the Japanese explicitly base the whole of the training which they give to their officers on a very high code of ethics and of chivalry. To learn to obey is a duty as important as to learn to command. The future officer is taken while he is still young, and in his cadet corps the boy who is a born leader is systematically taught to submit to the command of him who may be feeble and even incompetent, but whom he is forbidden to despise. What is aimed at is to produce the sense that it is the corps as a whole for which the individual must live, and, if necessary, die, and that against this corps no individual claim ought to be asserted. Self-effacement, the obligation of truthfulness, devotion to the service of his nation, these are

the ethical lessons in which the young Japanese officer is instructed with a thoroughness and a courage which, so far as I know, has no parallel in our time. He must rise early, abstain from luxuries, cultivate the habit of being always busy. Amusements, as such, seem to be unknown in the Japanese officers' school. Recreation takes the shape either of exercises of a kind which are useful for military purposes, or of change of studies. Whether any nation can continuously produce generation after generation of officers trained up to this high level, I know not. What is certain is that such training has been practised in Japan during this generation. The result is to be found in the descriptions of those who were witnesses of the fashion in which the trenches of the Russians were stormed at Liaoyang and Mukden. I do not quote this case because it illustrates some extreme of the capacity of human nature. On the contrary, this kind of concentration has at all periods of the world's intellectual history been demanded of and freely given by the scholar. We learn from his example that when once the highest motives become operative they prove the most powerful of all. Just as men will die for their religion, so history proves that they will gladly lay their entire lives without reserve on the altar of learning. One sees this much more frequently than is currently realised in the Universities themselves. Youth is the time of idealism, and idealism is the most potent of motives. The student who is conscious that his opportunity has been purchased for him, not merely by his own sacrifices, but by sacrifices on the part of

those who are nearest and dearest, has a strong stimulus to that idealism. That is one of the sources of strength in our Scottish Universities, the Universities of which Edinburgh presents a noble type. I have myself witnessed, in days gone by, individual concentration more intense than even that of the Japanese officer, because it was purely voluntary concentration, and not of action merely, but of spirit. I have known among my personal friends in this University such dedication of life as rivalled the best recorded in the biographies. When the passion for excellence is once in full swing, it knows no limits. It dominates as no baser passion can, for it is the outcome of the faith that can move mountains.

To my mind, the first problem in the organisation of a University ought to be how to encourage this kind of spirit. Noble characters are not numerous, but they are more numerous than we are generally aware. In every walk of life we may observe them if we have eyes to see. Such nobility is the monopoly neither of peer nor of peasant. It belongs to human nature as such, and to that side of it which is divine. We may seek for it in the University as hopefully as we may seek for it elsewhere. When once found and recognised, it is potent by its example. Hero-worship is a cult for which the average Scottish student has large capacity. And so it comes that it is not merely lecture-rooms and laboratories and libraries that are important. The places where those who are busy in the pursuit of different kinds of learning meet and observe each other are hardly less so. The union, the debating

society, the talk with the fellow-pilgrim on the steep and narrow way, the friendship of those who are struggling to maintain a high level—these things all of them go to the making of the scholar; and we in the North may congratulate ourselves that they are in reality as open to us as is the case in the Universities of England and of the Continent. If the corporate spirit of the University life is not with us made manifest by as notable signs, it is not the less there. Ideas have been as freely interchanged, and ties between scholars as readily created, with us as in other Universities. The spirit needs but little surrounding for its development, and that little it finds as readily in the solitude of the Braid Hills as on the banks of the Isis or the Cam, in the walks round Arthur's Seat as in the gardens of Magdalen or of Trinity. It rests with those immediately concerned whether their intellectual and social surroundings shall suffice them or not. Certainly in the Scottish University of to-day there is no lack of either opportunity or provision for the formation of the tastes of the scholar and the habits of the worker. A man may go from these surroundings to devote his life yet more completely to literature, or science, or philosophy, or he may go to seek distinction in a profession or success in commerce. Lucretius has described him who chooses the latter, and prefers the current of the world's rivalry to the scholar's life, in words which still seem to ring in my ears as I recall the figure of a great scholar—William Young Sellar—declaiming them to me and others, his reverent disciples, from the Chair of Humanity in this University.

many years since, in days when we were still full of youth, and were borne along on the flood tide of idealism. The Roman poet declares that the lot of the man of affairs must be :

“ Errare atque viam palantis quærere vitæ,
Certare ingenio, contendere nobilitate,
Noctes atque dies niti præstante labore,
Ad summas emergere opes rerumque potiri.”

Still, it is not the spirit of haughty contempt which moved Lucretius to these burning and stinging words that should be ours. It is not enough to declare with him that the scholar finds nothing so sweet as to look down on those engaged in the battle of life, himself securely entrenched within the serene temple of wisdom, and to watch them struggling. Rather does the University exist to furnish forth a spirit and a learning more noble—the spirit and the learning that are available for the service of the State and the salvation of humanity. The highest is also the most real; and it is at once the calling and the privilege of the teacher to convince mankind in every walk of life that in seeking the highest of its kind, they are seeking what is also the most real of that kind. Whatever occupation in life the student chooses, be it that of the study or that of the marketplace, he is the better the greater has been his contact with the true spirit of the University. At the very least he will have gained much if he has learned—as he can learn from the scholar alone—the intellectual humility that is born of the knowledge that teaches us our own limits and the infinity that lies beyond. He will be the better man should he perchance have

caught the significance of the words with which Plato makes Socrates conclude a famous dialogue: "If, Theætetus, you have a wish to have any more embryo thoughts, they will be all the better for the present investigation; and if you have none, you will be soberer and humbler and gentler to other men, not fancying that you know what you do not know." For the ends of practice as for those of theoretical study, for skill in the higgling of the market, for the control of great business organisations, for that swift and almost instinctive grasp of the true point which is of the essence of success at the Bar—for these and countless other situations in everyday life the precept of Socrates is of a value which it is difficult to overrate. It is the want of insight of the narrow mind that is the most common reason why apparently well-laid plans get wrecked. The University training cannot by itself supply capacity; but it can stimulate and fashion talent, and, above all, it can redeem from the danger of contracted views. Thus the University becomes a potent instrument for good to a community, the strength of which is measured by the capacity of the individuals who compose it. The University is the handmaid of the State, of which it is the microcosm—a community in which also there are rulers and ruled, and in which the corporate life is a moulding influence. And so we arrive at the truth, which is becoming yearly more and more clearly perceived, not here alone, but in other lands, that the State must see to the well-being and equipment of its Universities if it is to be furnished with the best quality in its citizens and in

its servants. The veriest materialist cannot but be impressed when he looks around and sees the increasing part which science plays year by year in the struggle of the nations for supremacy. It is true that mere knowledge is not action; but it must not be forgotten that the transition to successful action is nowadays from knowledge, and not from ignorance. Things are in our time too difficult and complicated to be practicable without the best equipment, and this is as much true of public affairs as it is the case in private life.

And now let us pass to yet deeper-going conclusions. If it be the ideal work of the Universities to produce men of the widest minds—men who are fit to lead as well as merely to organise—what must such men set before themselves? The actual is not merely infinite any more than it is merely finite. The merely infinite were perfect, but the eye of man could not behold it. Only in the daily striving to reach them, imperfect as that striving may seem, are life and freedom accomplished facts. The particular and the universal are not separate existences. Each is real only through the other. It is not in Nature, but as immanent in the self, finite as consciousness discloses that self to be, that we find God; and so it is that this great truth pervades every relation of life. “He who would accomplish anything must limit himself.” The man who would lead others must himself be capable of renouncing. Not in some world apart, but here and now, in the duty, however humble, that lies nearest us, is the realisation of the higher self—the self that tends God-ward—to be sought. And this carries with it

MODERN THOUGHT

something more. To succeed is to throw one's whole strength into work; and if the work must always and everywhere involve the passage through the portal of renunciation, be special and even contracted, then the only life that for us human beings can be perfect is the life that is *dedicated*. I mean by the expression a "dedicated life" one that is with all its strength concentrated on a high purpose. Such a life may not seem to him who looks on *only* from outside to comprise every good. The purpose, though high, may be restricted. The end may never be attained. Yet the man is great, for the quality of his striving is great. "Lofty designs must close in like effects."

The first duty of life is to seek to comprehend clearly what our strength will let us accomplish, and then to do it with all our might. This may not, regarded from outside, appear to the spectator to be the greatest of possible careers, but the ideal career is the one in which we can be greatest according to the limits of our capacity. A life into which our whole strength is thrown, in which we look neither to the right nor to the left, if to do so is to lose sight of duty—such a life is a dedicated life. The forms may be manifold. The lives of all great men have been dedicated; singleness of purpose has dominated them throughout.

Thus it was with the life of a Socrates, a Spinoza, or a Newton; thus with the lives of men of action such as Cæsar and Cromwell and Napoleon. We may well see their limits; theirs was the sphere of what is human, the finite. But they concentrated on the accomplishment of a clearly conceived purpose,

and worked with their whole strength, and the greatest of them threw that strength into the striving after what was noblest. They may have perished before their end appeared accomplished in time, and yet they have succeeded. The quality of their work lay in the very striving itself. The end, a profound modern thinker tells us in a great passage, does not wait to be accomplished; it is always accomplishing itself. "In our finite human life we never realise or see that the end has in truth been reached. The completion of the infinite purpose is thus only the process of removing the illusion that it is not accomplished. The good, the absolutely good, is eternally working itself out in the world, and the result is that it is already there in its perfection, and does not need to wait for us."

The noblest of souls can find full satisfaction for his best aspirations in the sustained effort to do his duty in the work that lies at hand to the utmost that is in him. It is the function of education in the highest sense to teach him that there are latent in him possibilities beyond what he has dreamed of, and to develop in him capacities of which, without contact with the highest learning, he had never become aware. And so the University becomes, at its best, the place where the higher ends of life are made possible of attainment, where the finite and the infinite are found to come together. The wider our outlook, the more we have assimilated the spirit of the teachers of other nations and other ages than our own, the more will the possibilities of action open to us, and the more real may become the choice of that

high aim of man, the dedicated life. We learn so to avoid the unconscious devotion of our energies to that for which we are not fit, and the peril of falling unconsciously into insincerity and unreality of purpose. We learn so to choose the work that is most congenial to us, because we find in it what makes us most keenly conscious that we are bringing into actual existence the best that lies latent in us. The wider outlook, the deeper sympathy, the keener insight, which this kind of culture gives, do not paralyse. They save him who has won them from numberless pitfalls. They may teach him his own limits, and the more he has learned his lesson the more he will realise these limits. But they do not dishearten him, for he has become familiar with the truth that the very essence of consciousness and of life is to be aware of limits and to strive to overcome them. He knows that without limits there can be no life, and that to have comprehended these limits is to have transcended them. As for what lies beyond him he has realised that it is but as the height in front, which is gained only to disclose another height beyond. He is content with his lot if, and so far as he feels that in him too, as he seeks with all his strength to bring forth the best that is in him, and at the same time to be helpful to others, God is realising Himself.

Such, to my mind, is the lesson which it were the noblest function of the ideal University to set forth, and in this fashion can such a University help to give to the world leaders of men, in thought and in action alike. The spirit which it inspires brings

with it the calm outlook which does not paralyse human energy, because it teaches that it is quality and not quantity that counts, and that the eternal lies not far away in some other world, but is present here and now. For the man who has learned in this school the common picture of the future life becomes an image that has been raised to correct the supposed inadequate and contingent character of this one; and, as his insight into the deeper meaning of reality in this world grows, so he realises that his true immortality begins on this side of the grave. To feel himself infinite in his finitude, to learn to accept his closely-bounded life and task as the process in which the side of him that is touched by infinity becomes real, to be aware of the immanence of the Divine in the humblest and saddest consciousness—this is the lesson which each of us may learn, the secret which the teaching of a true University may unlock for us; the teaching of a University, but not in the commonplace and restricted sense. In such a school we are instructed in the theoretical meaning of life as we can hardly be elsewhere. But this is not the only discipline by which we obtain deliverance from the burden of our ignorance, and are led to dedicate ourselves to noble ends. There is a lesson which ought never to be overlooked, and that is the necessity of suppressing the will to live. Before we can command we must learn to obey, and this also a true University life has to teach.

There is innate in the great mass of men and women instinct of obedience to the nature that is higher than their own. In the days in which we

live mere rank does not awaken this instinct; in the Anglo-Saxon race the belief in the Divine right of kings has passed away. But even in this forgotten faith we have the spectacle of something that was symbolical of a deeper truth.

Belief in God and submission to His will is the foundation of religion. Belief in the State as real equally with the individual citizens in whom it is realised and whom it controls, this is the foundation of orderly government. It is not a king as individual, it is a king as the symbol of what is highest in national life that to-day commands loyalty. The instinct of obedience shows itself here, but its real foundation resembles the foundation of that other obedience which is made manifest in the religious life. It is the tendency to bow before the truth, to recognise the rational as the real and the real as the rational. In the main, what is highest will assert its authority with the majority of mankind, and assert it in the end successfully.

What is necessary, and what alone is necessary, is that what is highest should be made manifest, and that for this purpose the mists of ignorance should be dispelled. The more the leader embodies the quality that is great, the wider and more complete will be his ultimate sway. Time may be required, the time that gives birth to opportunity, but the truth will prevail. History, and the history of religion in particular, furnishes us with an unbroken succession of witnesses to this conclusion. A leader may apparently fail, his doctrine may be superseded. But if in

his period he has represented the best teaching which the Time Spirit could bring forth, his appeal has never been in vain. His victory may not have been complete until after his death. He himself may have been narrow and even fanatical. He may have given utterance to what seems to us, looking back with a larger outlook, to have been but a partial and inadequate expression of the truth. But the history of knowledge is no record of system cast aside and obliterated by what has succeeded it. Rather is the truth a process of development in which each partial view is gradually corrected by and finally absorbed into what comes after it. There may be, as elements in the process, violent revulsions—revulsions to what proves itself in the end to be as one-sided as that which it has superseded. But, taken over a sufficient tract of time, the process of knowledge in the main displays itself as one in which the truth has turned out to be a larger and deeper comprehension of what for the generation before was the best of which that generation was capable. Thus there is at all times a tendency for a new phase of authority to display itself—the authority which rests either on reason or on the instinct that the highest is to be sought beyond what belongs merely to the moment. And the striving in which this tendency in the end takes shape appears in just a deeper meaning conferred on what is here and now. Sometimes even to a nation the revelation comes suddenly. It awakens from its dogmatic slumber, is awakened perhaps by the sense of impending calamity, and proves at a bound what is the measure of its latent capacity.

So it was with England under Cromwell, with France under Napoleon, with the United States under Washington, with Germany under the great leaders of the intellectual awakening of the nineteenth century. So it has been with Japan, the spectacle of whose new and rapid development has just been unrolled before the eyes of this generation. The awakening has come suddenly in such cases, and that awakening of thought and action has been in response to the Higher Command:

“ There are flashes struck from midnights,
There are fire-flames noondays kindle,
Whereby piled-up honours perish,
Whereby swollen ambitions dwindle,
While just this or that poor impulse
Which for once had played unstified,
Seems the sole work of a lifetime,
That away the rest have trifled.”

In peace as in war, history displays the irresistible nature of this Higher Command where it really has made itself manifest. He who wields it may be humble. If the divine fire of genius has inspired him, no barrier can hold him from the highest recognition—that recognition which is founded on the popular conviction that, at last, in this particular sphere of thought or of action, the truth has been made evident.

Sometimes—perhaps more often than not—this Command is wielded, too, by no single man. It may take the form of a great doctrine—the foundation of a penetrating faith, inculcated and enforced by a group of leaders in co-operation, no one of whom

would have been great enough to be the head of a nation. This was so with Germany at the commencement of the last century, and it would seem to have been so in the recent instance of Japan. The lesson is that, given an inspiring faith, moral or intellectual, and a sufficiency of men imbued with it and fit to teach and to preach it, no nation need languish for want of a single great leader. The Higher Command is there all the same; it is only differently expressed and made manifest. Here, then, it has for long seemed to me, lies the true and twofold function of the University. It is a place of research, where the new and necessary knowledge is to be developed. It is a place of training, where the exponents of that knowledge—the men who are to seek authority based on it—are to be nurtured and receive their spiritual baptism.

Such a University cannot be dependent in its spirit. It cannot live and thrive under the domination either of the Government or the Church. Freedom and development are the breath of its nostrils, and it can recognise no authority except that which rests on the right of the Truth to command obedience. Religion, art, science—these are, for the body of teachers of the true University type, but special and therefore restricted avenues towards that Truth—many-sided as it is, and never standing still. It was Lessing who declared that were God to offer him the Truth in one hand and the Search for Truth in the other, he would choose the Search. He meant that, just as the Truth never stands still, but is in its nature a process of evolution, so the mind of the

seeker after it can never stand still. Only in the process of daily conquering them anew do we, in this region also, gain life and freedom. And it is in the devotion to this search after the Most High—a search which may assume an infinity of varied forms—that the dedicated life consists; the life dedicated to the noblest of quests, and not to be judged by apparent failure to reach some fixed and rigid goal, but rather by the quality of its striving.

I know no career more noble than that of a life so consecrated. We have each of us to ask ourselves at the outset a great question. We have to ascertain of what we are really capable. For if we essay what it is not given to us to excel in, the quality of our striving will be deficient. But, given the capacity to recognise and seek after what is really the highest in a particular department of life, then it is not the attainment of some external goal—itsself of limited and transient importance—but in earnestness and concentration of effort to accomplish what all recognise to be a noble purpose, that the measure of success lies. So it was with Browning's *Grammarian*. Men laughed at him while he lived. That did not matter. In the end they bowed their heads before him, and when his life was finished laid him to rest in the highest place they knew. For they saw the greatness of spirit of the man who chose what he could best accomplish, limited himself to that, and strove to perfect his work with all his might.

If its Universities produce this spirit in its young men and women, a nation need not despair. The way is steep and hard to tread for those who enter on

it. They must lay aside much of what is present and commonly sought after. They must regard themselves as deliberately accepting the duty of preferring the higher to the lower at every turn of daily existence. So only can they make themselves accepted leaders; so only can they aspire to form a part of that priesthood of humanity to whose commands the world will yield obedience.

There is a saying of Jesus with which I will conclude this address, because it seems to me to be, in its deepest interpretation, of profound significance for us, whose concern is for the spirit of this University and for its future influence: "Not every one that saith unto me, Lord, Lord, shall enter into the kingdom of heaven; but he that doeth the will of My Father which is in heaven."

V

LEONARD TRELAWNEY HOBHOUSE

LAW AND JUSTICE*

To the civilised man it seems the merest truism to say that the business of Government is to make and execute laws, to see that crime is suppressed, and that its subjects are maintained in possession of their just rights. Not only so, but the broad lines upon which justice is administered are to him so familiar and seem so clearly marked out by reason and common sense that if he were to think of their origin at all he would naturally imagine that here, if anywhere, we had to do with simple and elementary moral ideas, implanted in men by nature, and needing no training nor experience to perfect them. Thus, what could be more obvious to begin with than the distinction of civil and criminal justice? A may trespass upon the rights of B, but he may do so without fraud, violence, or any criminal intent. In such cases, the loss suffered by B must be made good, but no further punishment should fall upon A. That is, there is ground for a civil action. Or, on the other hand, in injuring B, A may have committed an offence against the social order. In that case he must be punished as a criminal, and is not to escape

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merely by making good the loss inflicted on B. He has offended society, and society insists on punishing him. But, further, if A is a wrongdoer, it must be proved that he is a responsible agent. He must have done wrong with intention, and, if so, he alone ought to suffer. Socially, no doubt, his fall must affect his innocent wife and children, but this is a regrettable result, not a consequence which the law goes about to inflict. Lastly, whether in a civil or criminal case, the function of the law is to set up an impartial authority, before whom the question is argued. Both sides are heard. Evidence is cited, and witnesses called, whose testimony the court is free to sift and weigh. Formalities and rules have to be observed, but apart, perhaps, from some which are archaic, they are devised mainly as safeguards against wrongful decisions, and the real business of the inquiry is to get at truth as to the material facts. In the end, the decision being given, the court can freely use the executive power of Government to enforce it.

Elementary as all this sounds, it is, historically speaking, the result of a long evolution. The distinction between civil and criminal law, the principle of strictly individual responsibility, the distinction between the intentional, and the unintentional the conception of the court as an impartial authority to try the merits of the case, the exclusive reliance on evidence and testimony, the preference of material to formal rectitude, the execution of the court's decision by a public force—all are matters very imperfectly understood by primitive peoples, and their definite

establishment is the result of a slow historical process. Perhaps no other department of comparative ethics gives so vivid an idea of the difficulty which humanity has found in establishing the simple elements of a just social order.

The growth of law and justice is pretty closely connected in its several stages with the forms of social organisation that have been described. In quite the lowest races there is, as we have seen, scarcely anything that is strictly to be called the administration of justice. Private wrongs are revenged by private individuals, and any one, whom they can get to help them. The neighbours interfere in the least possible degree, and how far a man's family, or the wider group to which he belongs, will stand by him, is a question which is decided in each particular case as its own merits, or the inclinations of those concerned, direct. But even at a very low stage this uncertain and fitful action begins to take a more definite shape. We find something that corresponds roughly to our own administration of justice, and from the outset we find it in two broadly distinct cases. There are occasions upon which a whole community will turn upon an offender and expel him, or put him to death. Sometimes, indeed, this is merely a kind of lynch law directed against a man who makes himself unbearable, or commits some crime which touches a general feeling of resentment, into life. But beyond this there are at almost, if not quite, the lowest stages certain actions which are resented as involving the community as a whole in misfortune and danger. These include, besides actual

treason, conduct which brings upon the people the wrath of God, or of certain spirits, or which violates some mighty and mysterious taboo. The actions most frequently regarded in this light are certain breaches of the marriage laws and witchcraft. The breaches of the marriage law which come in question here are confined to those transgressions of the prohibitions of intermarriage, upon which primitive races lay such extraordinary stress. A mere violation of the marriage tie is generally in savage society a private matter, avenged by the husband alone, or by those whose duty it is to help him; but a breach of the rules of exogamy, a marriage within the *totem*, for example, or a marriage outside the permissible class, is regarded as an offence endangering the community herself, and only to be wiped out by the extinction of the offender. A Central Australian tribe, for instance, which has no regular means of enforcing any law, will make up a war party to spear the man and woman who have married in defiance of these customs. Similarly, common action will often be taken to protect the community from witchcraft, obviously a terrible offence in a society which firmly believes in it. Among the North American Indians a public sentence was often pronounced and carried out by the chiefs in cases of sorcery, and sometimes also in cases of cowardice or breaches of the marriage customs. The punishment of witchcraft is as widespread as the fear of it, and, prompted as it is by the sense of a danger to the whole community, is often peculiarly ferocious, and directed to the destruction of every one connected with the offender.

The object of the community in exterminating the criminal is not so much to punish the wicked man as to protect itself from a danger, or purge itself from a curse. Achan takes the accursed thing, the thing which had been devoted to Jahveh. The taboo on the thing devoted is at once communicated to Achan himself as though it were a poison or an infection, or, to take another metaphor, a charge of electricity. It passes from the spoil appropriated to the appropriator, and no resource remains but to devote Achan with all his family and belongings, everything, in fact, which the accursed thing had infected. The Roman criminal, if his offence bore a religious character, was "sacer"—separated from men, made over to the offended deities. His goods were set apart (*consecratio bonorum*), for they were involved in his impurity. He was banished, so that none might come into contact with his accursed person. He was cut off from fire and water, not primarily because fire and water were necessary to his life, so that he was sentenced to death by being deprived of them, but rather for fear that his accursed touch should pollute the sacred elements and convey the pollution to others. That the criminal suffered in consequence was a satisfactory collateral effect, but the main thing was to secure the fire and water from pollution.

Thus far, then, public punishments, where they are any more than an explosion of indignant feeling, may be regarded as public action taken for the sake of public safety. The community is threatened with palpable treason, or with occult magic influence, or

by the wrath of the gods. It protects itself by destroying the traitor, or sacrificing, or, at any rate, getting rid of, the witch. It is a kind of public hygiene rather than a dispensation of justice which is in question.

With the redress of wrongs, the maintenance of private rights, and the punishment of the bulk of ordinary offences, it is different. For these purposes primitive society has no adequate organisation. Administration of justice in this sense is in the main a private matter. It is for the sufferer to obtain redress or to avenge himself, and in the lowest stages of all the vengeance is, as we have seen, casual, arbitrary and unsystematised. But as the family and the clan acquire definite and coherent structure a systematic method of redress grows up. The leading characteristics of this method are two—(1) that redress is obtained by retaliation, and (2) that owing to the solidarity of the family the sufferer will find support in obtaining the redress that he seeks. The individual man, woman, or child no longer stands by himself or herself, but can count with considerable certainty on the protection of his relatives, who are bound to avenge a wrong done to him, or to stand by him in exacting vengeance by every tie of honour and religion. In other words, this is the stage of the blood feud. "He that sheddeth man's blood, by man shall his blood be shed," is the earliest law given in the Old Testament, and on this point the Old Testament may be said to be a faithful reflection of the historical facts.

Though the blood feud is an expression of vengeance, this vengeance is by no means wholly without regulations and rules of its own. There is a rough justice recognisable in its working, though it is not the justice of an impartial third person surveying the facts as a whole. There is no question of a just judge rendering each man his due, but rather of a united kin sympathising with the resentment of an injured relation when expressing itself in certain traditional forms. Justice as we understand it—the rendering to each man his due as judged by an impartial authority—is not distinctly conceived as a social duty in primitive ethics, and that is what, morally speaking, differentiates the primitive ethical consciousness from the ethical consciousness at a higher stage of development. Yet primitive ethics works upon rules in which a certain measure of justice is embodied. Thus in the first place custom prescribes certain rules of retaliation which are recognised as right and proper and have the approval of the neighbours and clansmen. The simplest and earliest of these rules is the famous *Lex Talionis*, “An eye for an eye, and a tooth for a tooth,” familiar to us from the chapter of Exodus, but far earlier than Exodus in its first formulation. We find it, like many other primitive rules of law, in the recently discovered code of King Hammurabi, which is earlier than the Book of the Covenant perhaps by 1300 years, and we find it at the present day among people sociologically at an earlier stage of development than the Babylonians of the third millennium before Christ. We find it applicable to

bodily injuries, to breaches of the marriage law, and perhaps we may say in the rules of the twofold restitution for theft in the symbolic form of mutilating the offending member even to the case of offences against property. In some cases the idea of exact retaliation is carried out with the utmost literalness—a grotesque literalness sometimes, as when a man who has killed another by falling on him from a tree is himself put to death by exactly the same method—a relation of the deceased solemnly mounting the tree and much, one would say, at his own risk, descending upon the offender. More often, of course, vengeance is simpler. Stripes, mutilation, or death are inflicted without any attempt to imitate the original offence, though there may very well be a grading of the vengeance in proportion to the original wrong. The homicide is slain, the adulterer speared, beaten, or mutilated, the thief slain, enslaved, or forced to make restitution, the defaulting debtor enslaved or flogged.

But at a fairly early stage in the growth of social order a fresh principle is introduced tending to mitigate the blood feud and so maintain peace and harmony. For the special vice of the system of retaliation is that it provides no machinery for bringing the quarrel to an end. If one of the Bear totem is killed by a Hawk, the Hawk must be killed by one of the Bears, but it by no means follows that this will end the matter, for the Hawks may now stand by their murdered clansman and take the life of a second Bear in revenge, and so the game goes

on, and we have a true course of vendetta. Accordingly, peaceable souls with a view to the welfare of both families, perhaps with the broader view of happiness and harmony within the community, intervene with a suggestion of peace. Let the injured Bears take compensation in another form, let them take cattle or other things to make good the loss of the pair of hands which served them. In a word, let the payment of damages be a salve to vindictive feelings. In that way, the incident may come to an end and peace will reign. When such a practice becomes a customary institution, we enter upon the stage of composition for offences, a stage peculiarly characteristic of the settling down of barbarous tribes into a peaceable and relatively civilised state, and especially of the growth of the power of a chief whose influence is often exerted to enforce the expedient of composition upon a reluctant and revengeful family. As the institution takes shape, a regular tariff is introduced, so much for an injury, so much for the loss of an eye, so much for a life. Often a distinction between classes of crime appears. For some it is the rule that composition should be accepted. Others are recognised as too grave to be washed out except by blood. Thus among the German tribes murder and rape excited blood revenge, while other injuries were punishable by fine, and the fine is significantly called "*faida*," as being the feud commuted for money. The distinction lasted into the Middle Ages, even in a period when the fine or a part of it went to the king. Our *Leges Henrici* still distinguish emendable offences, in which sacrilege and wilful homicide

without treachery are included, from unemendable offences such as housebreaking, arson, open theft, aggravated homicide, treason against one's lord, and breach of the church's or the king's peace. These are crimes which in the Anglo-Saxon term had no *bôt*—no *bôt* or money payment atoned for them—they were *bôt*-less, bootless. Even when the *bôt* was payable, it stood at first at the discretion of the injured family to accept or reject it, and we find the Germanic codes in the early Middle Ages setting themselves to insist on its acceptance as a means of keeping the peace. If the fine is not forthcoming, of course the feud holds.

But when injuries are being assessed, not only must there be a distinction between the injuries themselves, but also between the persons injured. There must be a distinction of rank, age, sex; a free-born man is worth more than a slave, a grown-up person than a child, generally speaking, a man than a woman, a chief or person of rank than a free man. And so we have the system of “*wergilds*” familiar to us in the early stages of our own history, and again recognisable in the code of Hammurabi. In one form or another, the system of composition prevails or has prevailed almost to this day over a great part of the barbaric world, among the North American Indians, in the Malay Archipelago, in New Guinea, among the Indian hill tribes, among the Calmucks, and Kirghis of the steppes of Asia, among the rude tribes of the Caucasus, the Bedouins of the Arabian desert, the Somali of East Africa, the

negroes of the West Coast, the Congo folk of the interior, the Kaffirs and Basutos of the South.

Primitive vengeance, then, may be exacted by retaliation or compounded by money payments. In either method a rough justice is embodied, but it is justice enforced by the strong hand. Even graver differences separating barbaric vengeance from civilised justice have now to be mentioned. These differences are inherent in the nature of the social organisation upon which the blood feud rests. For the blood feud is retribution exercised by a family upon a family; it rests upon the support which each individual can count upon from his own immediate relations, possibly from his whole clan; it rests, in a word, upon the solidarity of the kindred. But the effect of this solidarity upon the working of retributive justice is by no means wholly favourable. In the first place, it has the effect that the lives of members of other clans are held indifferent. A perfect illustration is afforded by the Ungani Nagas, a tribe of the north-east frontier of India, who live in villages composed of two or more "khels," as their clans are called, which, though living side by side and intermarrying, are for purposes of defence independent communities. A hostile tribe may descend upon the village and massacre all the members of one "khel" while the other "khels" sleep peacefully in their beds and do not raise hand or foot to protect their neighbours. This is cold-blooded, but it is not without a certain reason. The exterminated "khel" has incurred a feud from which the others are free. If they rise in its defence they not only incur the

danger of the present fight, but they also involve themselves in the permanent feud. Next, in so far as justice rests on the blood feud, and the blood feud is of the nature of a private war between distinct families or clans, it follows that public justice will not deal with offences committed within the family. These do not excite the blood feud. In some cases, no fixed punishment appears to be assigned for them, but this may happen not only because they do not belong to the province of public custom, but also, perhaps, because they are too rare for any definite custom to have arisen for dealing with them. Like parricide among the Romans, they represent the absolute ultimate of human wickedness. Further, generally speaking, there is no need for any recognisable general rule, because offences within the family are dealt with by the arbitrary justice of the pater-familias or of the kin collectively, who, even if other means of enforcing authority failed, have always the ready remedy of outlawry, which puts the offender at the mercy of the first comer. Outlawry from the clan is the most effective of all weapons, because in primitive society the exclusion of a man from his kinsfolk means that he is delivered over to the first comer absolutely, without protection. An illustration may be drawn from the early history of Mohammed's teaching, when the Korâis, who found that Mohammed's gospel was very inimical to their gains, wanted above all things to put him out of the way and made the most strenuous efforts to induce Mohammed's uncle, who was head of the clan, to disown him. Had the uncle consented, Mohammed would have

been left without protection and might have been dispatched by any one without fear of consequences, but till the death of the uncle the clan stood by him; and the leading men of Mecca, powerful as they were, were not bold enough to take upon themselves a blood feud with Mohammed's family. The fear of the blood feud is the great restraint upon disorder in primitive society, and conversely he whose death will excite no blood feud has no legal protection.

So far the negative side of clan justice. The positive side has peculiarities not less startling to the modern mind, for since it is a member of one body who has done a wrong to a member of another body, the whole body to which the offending member belongs is held responsible by the whole body to which the injured member belongs; and it is not merely the original criminal who may be punished, but logically any member of his family may serve as a substitute. Responsibility is collective, and therefore also vicarious. Sometimes the whole family of the offender is destroyed with him. Sometimes any relation of the offender may suffer for him vicariously. John, who has done the deed, being out of reach, primitive vengeance is quite satisfied with the life of Thomas, his son, or brother, or cousin. Just as in the blindness of warfare the treacherous act of an enemy is generalised and perhaps avenged in the next battle by a retaliation which does not stay to ask whether it is falling on the innocent or the guilty, so in the primitive blood feud. The wrong done is the act of the family or clan to which the aggressor

belongs, and may be avenged on any member of that family or clan. Sometimes the retaliation is made more specific by a fresh application of the *Lex Talionis*, and to the rule "eye for eye," there is the pendant "son for son, daughter for daughter, slave for slave, ox for ox." You have slain my son? Then the true and just retribution is that I should slay yours. It is my daughter who is slain? Then it is with your daughter that you must pay for her. Sometimes vengeance is specially directed against the chief as representing the clan. Sometimes it may be visited on any male, or even on any adult member of the clan, children alone being excluded. Sometimes this last shred of humanity is torn away. The principle is pushed to its furthest and most revolting development among the head-hunting tribes common in south-east Asia, in which magical ideas combine with those of revenge, and the skull of the enemy has a potency of its own which makes its possession desirable in itself. The head of a child or woman of the hostile body is no less coveted an object than that of the fighting warrior, and is probably easier to obtain. When the principle of composition arises, collective responsibility is reduced, by a less barbarous logic, to a common pecuniary liability. The clan are collectively responsible for the blood money due from a member, and by the same logic they are the collective recipients of blood money due to any member. And as with blood money so with other debts. There is a collective liability—a conception which in this softened form has its uses in the social order, and is in fact enforced and applied to the commune—though

in right it belongs rather to the clan—by many Oriental governments.

Further, with the theory of collective responsibility goes almost necessarily the failure to distinguish between accident and design. In primitive society the real gravamen of a charge against an aggressor is that he has done an injury. How he did the injury, whether of set purpose or by accident, is a matter of less moment. My son, or brother, or cousin, or clansman, is killed; that is enough for me; I must have some satisfaction out of the man who did it, and, what is more, my family must have some satisfaction out of his family. Furthermore, the whole distinction between design and accident is by no means so clear to primitive man as it is to us, for though it needs little reflection and a very moderate amount of self-knowledge to distinguish between what one has done one's self by accident or by design, and a very moderate degree of reasoning power to apply the distinction to other men—still, the nascent reflection of the savage is strangled at birth by the prevailing theory of witchcraft and possession. If a tree falls upon a man's head, the savage holds that a spirit guided it. If a man, cutting a branch from a tree, dropped his axe on to another's head, it may not have been the man's own soul which guided the axe, but it was another soul which possessed him temporarily; he was possessed by some spirit, and as possessed he should be put out of the way. The treatment of the subject in the Hebrew codes illustrates the difficulty which is experienced even at a higher stage in strictly distinguishing between the

two spheres of design and accident. Each code assigns a city of refuge for the excusable homicide, but none make it perfectly clear whether it is unintentional or unpremeditated man-slaying that is in view. The Book of the Covenant simply says, "If a man lie not in wait, but God deliver him (the victim) into his hand, then I will appoint thee a place whither he shall flee. And if a man come presumptuously upon his neighbour to slay him with guile, thou shalt take him from mine altar that he may die." In Deuteronomy there is an attempt to define accident. The city of refuge is appointed for "whoso killeth his neighbour unawares and hated him not in times past." The first qualification would be true of unintentional, the second of unpremeditated homicide. Then follows a somewhat elaborate illustration of a case of pure accident. "As when a man goeth into the forest with his neighbour to hew wood, and his hand fetcheth a stroke with the axe to cut down the tree, and the head slippeth from the helve, and lighteth upon his neighbour, that he die, he shall flee unto one of these cities and live:" and then it is once more stated that the slayer ought not to die, "inasmuch as he hated him not in time past," which would be true of any want of premeditation. Furthermore, even in this relatively enlightened code the unintentional slayer is not fully protected. It is clearly anticipated that the "avenger of blood" will pursue him "while his heart is hot, and overtake him because the way is long," and smite him mortally, and there is no hint that the avenger will be punished. Nor was the

alternative, exile to the city of refuge, a merely nominal penalty. Finally, in the Priestly Code there is an elaborate attempt to distinguish different cases. The cities of refuge are appointed for everyone that "killeth any person unwittingly," or, as the margin renders it, "through error." (An attempt is made to render the meaning clearer by specifying the implements used, of iron, wood or stone.) On the other hand, he who has killed another, "lying in wait" or "in enmity," is to be put to death by the avenger of blood "when he meeteth him." In intermediate cases the congregation shall judge. "But if he thrust him suddenly without enmity, or hurled upon him anything without lying in wait, or with any stone, whereby a man may die, seeing him not, and cast it upon him, so that he died, and he was not his enemy, neither sought his harm: then the congregation shall judge between the smiter and the avenger of blood according to these judgments." Even here, then, the three cases of accident ("seeing him not"), assault without intent to kill ("thrust him suddenly"), and unpremeditated homicide ("without lying in wait") seem to be in a measure confused. And even in this code, the avenger may slay the man-slayer anywhere outside the borders of the city of refuge until the death of the high priest.

Not infrequently in early law we find the distinction that unintentional homicide is atonable by paying the wergild, while deliberate murder gives rise to the blood feud. Thus in the code of Hammurabi the homicide might swear that the blow was unintentional and escape with a fine. So, again,

though Germanic law begins by holding a man equally imputable for all that he has done, it is an ancient mitigation that for unintentional homicide the wer is due, and the blood feud should not be waged. The disentanglement of innocent from culpable homicide was a very gradual achievement in mediæval Europe though aided by the Civil and Canon Law, and the forfeiture of goods—the direct survival of the wergild—remained in theory in English law down to 1828.

It is a natural, though, to our minds, a bizarre consequence that in early justice animals and even inanimate objects may be regarded as appropriate subjects of punishment. The slaying of offending animals is provided for in the Book of Exodus. Many cruel punishments were inflicted upon animals in the code of the Zendavesta, and the same thing occurred in mediæval Europe, where, perhaps under the influence of the Mosaic legislation, it even survived in isolated cases to the sixteenth or seventeenth century. The punishment of animals and inanimate objects was no mere wreaking of blind fury on innocent creatures. Probably to the primitive mind the ox that gored a man, the sword that slew, and the murderer that wielded it, were much more on one level than they can be to us. The animal or tool, if not conscious themselves, might be endued with a magic power or possessed with an evil spirit. It was well to get rid of them before they did more harm. If not destroyed they might be purified. Thus in the English law of Deodand, which was not abolished till the middle of the last century, there

is a survival of the view that anything that has killed a man must undergo a kind of religious purification; a cart, for instance, which ran over a man, or a tree which fell on him, was confiscated and sold for charity—at bottom merely a somewhat humanised version of the ancient Athenian process whereby the axe that had slain a man was brought to trial, and, if found guilty, solemnly thrown over the boundary. It need hardly be added that where responsibility is extended to animals and inanimate objects, it is apt to be inadequately defined in the case of idiots, lunatics, and minors.

The principle of collective responsibility does not necessarily disappear with the rise of public justice under central authority. It lingers on, partly through sheer conservatism, but also in many cases for political reasons, to a late date. Thus it is particularly common to find that in political offences the family of the offender suffers with him. The principle of collective responsibility has always been maintained in the Far East, in China, in the Korea, and, under the influence of Chinese civilisation, in Japan, while it is noteworthy that for political offences the parents and children might be punished under French law right down to the time of the Revolution. Parallels could be found in the laws of the ancient East, of ancient Persia, and of many states of mediæval Europe. It is, in fact, only the decay of the joint family system and the rise of the free individual as the basis of the modern state which definitely does away with this principle, so fundamentally irreconcilable with the strictly ethical notion

of justice. An interesting transitional phase is to be found in the Old Testament, where the visiting of the sins of the fathers upon the children is very definitely laid down as a piece of Divine justice in the earlier legislation (I mean in the Second Commandment) whereas in the time of Ezekiel it was strongly maintained to be an injustice that when the fathers had eaten sour grapes, the children's teeth should be set on edge. It was, in fact, part of the ethical revolution introduced by the later prophets to establish morally for the Jewish code the principle of individual responsibility.

With the evolution of social order, and in particular with the growth of central authority, the redress of wrongs begins to take the form of an independent and impartial administration of justice. Let us trace this growth in outline from its beginnings.

The blood feud proper is revenge guided and limited by custom. It is not justice. It is waged by two conflicting parties, and there is no impartial third party to judge between them. But even in barbaric society the blood feud does not rage wholly without check. The public opinion of the group is always a force to be reckoned with. Every man's rights and obligations are fixed by custom. The very vengeance taken on those who infringe them is a custom, and directed in all its details by tradition. The headman or the elders of the clan or village are prepared to listen to complaints, to decide whether a wrong has been done, and, if so, what the preparation ought to be. The injured party may appeal to them

if he pleases, and it may be that the aggressor will abide by their decision. If so, the affair is arranged perhaps by composition, perhaps by a stated penalty. Otherwise the parties will fight it out or it will come to a feud. In short, there is an effort on the part of the leading men to keep the peace and adjust the quarrel. Sometimes they will intervene of themselves if a feud becomes serious and threatens the general peace.

The "court," if so it may be called, appears at this stage rather as peacemaker than judge. The disputants may ignore it, preferring to trust to their own strength and that of their friends. Yet it is from the first the avenger's interest to have public opinion with him. He relies on the countenance and practical help of his kindred and fellow-tribesmen. At least he must avert their opposition. If the facts are peculiarly flagrant the neighbours will be with him and he will have the less difficulty in executing vengeance. Perhaps even the kindred of the wrong-doer will refuse to stand by him. Thus it becomes the interest of the avenger to make his case plain to the neighbours, and they in turn wish to hear what the accused party has to say. A palaver is held. The avenger comes with his kinsmen and friends. They state their case and announce their intention of seeking revenge. The accused is also present, backed by his kin, and repels the demands made on him. It may be that the matter is settled between the groups concerned. It may be that the neighbours or the chief give sentence, but even so it does not follow that they enforce it. They may give the appellant their

moral support, and leave it to him to obtain satisfaction as best he can. But of course their decision helps him to get the opinion of the tribe on his side, and their moral force will be translatable into physical force. It will mean so many more backers for him, and so many less for his opponents. This support may be disdained by the strong, but it will be valued by the weak, and will be upheld by those who desire internal peace. Thus even under the clan and tribal organisation of society some form of public intervention may arise alongside of private redress. Feuds are averted by the adjustment of disputes, or, if a wrong has been done, by getting the complainant to accept composition, and the aggressor to undergo some penalty which will be a mitigated form of revenge, or by bringing the two parties to fight it out under the regular forms of a duel.

Such methods of mitigating the blood feud are stimulated by the growth of the kingly power—that is to say, of an organised force outside the contending families or clans, which can summon them before its bar, decide their cause, and require them to keep the peace. The king, whose duty and interest it is to maintain public order, treats crime—or certain kinds of crime—no longer as an offence against the individual whom it primarily affects, but as a menace to public tranquillity, a breach of his “peace.” This, if he is strong enough, he will punish directly; if not sufficiently strong, he will deprive the offender of his protection, put him outside the king’s peace, and compel him by fine to buy back what he has lost. Thus we find crime punishable by wite as well as by

bôt—a fine to the king side by side with compensation to the kinsfolk.

But from moral assistance the transition to physical assistance is not very difficult in idea, however slow and cumbrous it may have been in practice. There is more than one method of transition. Sometimes we find the public authority, the elders or the whole body of the neighbours, or later the regular magistrate, exerting themselves to arrest the offender and handing him over to the avenger of blood for execution, or judging between the avenger of blood and the man-slayer, whose act was “unwitting.” Thus in Deuteronomy, if the deliberate murderer flies to a city of refuge, “then the elders of his city shall send and fetch him thence, and deliver him into the hand of the avenger of blood that he may die.” But without taking an active part in the pursuit and capture of the offender, the court had an effective weapon in the power of outlawry. Since in accordance with early ideas all personal rights depend upon membership of a society united for mutual protection, it follows that the man excluded from the group is in the position of a stranger and an enemy; he is a wolf’s head, a wild animal whom the first comer may put to death at sight, with whom nobody may associate, to whom nobody may give food or lodging. Outlawry can therefore be applied either as a punishment or as a process—as a method of bringing the accused into court. What more reasonable than that if he will not submit to law he shall lose the protection of the law? With this weapon, potent in proportion as the social order is developed, the court

of early law consolidates its authority, and from being a casual institution of voluntary resort for those who wish the sympathy of their neighbours in avenging their wrongs, becomes an established authority with compulsory powers before which either party can be summoned to appear at the instance of his opponent.

But we are still a long way from a modern Court of Justice. The primary function of a court thus established is not so much to discover the merits of the case and make an equitable award, as to keep the peace and prevent the extension of wild and irregular blood feuds. What the court has to deal with is the fact that a feud exists. A comes before it with a complaint against B of having killed his kinsman, or stolen his cattle, or carried off his daughter. Here is a feud which, in the absence of a court, A will prosecute with his own right arm and that of his kinsmen if he can get them to help him. B, again, will resist with the help of *his* kinsmen, and so there will be a vendetta. The court, whose primary object is to secure a settlement, does not go into nice questions as to the precise merits and demerits of A and B, but it can prescribe certain tests whereby the appellant or the defendant may establish his case. It sets the litigant "a task that he must attempt. If he performs it, he has won his cause." The performance of this task is not, to our minds, proof of the justice of his cause. It is rather the compliance with a legal and orderly method of establishing a case, but at the stage we are considering it was probably regarded as

satisfying justice, at least, as far as justice claimed to be satisfied.

What task, then would the court award? It might be that the litigant should maintain his cause with his body. The parties would then have to fight it out in person or by their champions. Here we have the method of the blood feud, but regularised, limited, and transformed into the judicial duel. Again, the court might put one or both parties to the oath. But this is not the oath of the modern law court—that is to say, it is not a solemn asseveration of the truth of certain evidence of fact, but an assertion of the general justice of the claim alleged, or of its injustice, as the case may be. And as the feud will not be waged by the individual claimant alone, but with the aid of all his kindred, so the court will expect the kindred to come and take the oath along with him. Hence the institution of oath-helpers, the compurgators, who are in point of fact the fellow-clansmen all bound to the duty at this stage of swearing their friend out of the difficulty, just as before they were bound to help him out of it by arms. The compurgators are simply clansmen fighting with spiritual weapons instead of carnal ones. Success in the cause will depend not on the opinion formed by the court as to the veracity of one side or the perjury of the other, but on the ability of the parties to get the full number of compurgators required, on formal correctness in taking the oath, and if both parties fulfil all conditions and no further means are available for deciding between them, on certain rules as to the burden of proof.

The provision of such further means of deciding between the parties is logically the next step. So far, the judicial process has appeared merely as a regularisation of the blood feud, but both the oath and the judicial combat point the way to a higher ideal. The court itself is not in a position to try the merits of the case unless it be some very simple matter of the criminal caught red-handed, but it may refer the decision to the unseen powers, to the gods, or to the magical qualities inherent in certain things. Thus the judicial duel, instead of being a mere carnal fight regularised and limited by certain rules, may be conceived rather as an appeal to the judgment of God, and the victory as His sentence which the court hesitates to pronounce on the basis of its merely human wisdom. Similarly the oath—though less than evidence as we conceive evidence—is also more, for it is an appeal to powers in which primitive man implicitly believes, to take vengeance on him who swears, if his cause be not just. Hence the form of the oath is everything, for the unknown powers are great sticklers for form. The oath-taker calls down their punishment on himself and his family by a set formula which they will rigidly obey. If in the formula he can leave himself any loophole of escape the oath is void; it is no true summoning of the vengeful powers, and the court will disregard it, but if it is complete and sound in point of form, then there is no escape. One of two things must happen: either the oath was true or the curse will fall, and thus perjury brings its own punishment.

Hence it is that for any given charge the law may call upon a man to purge himself by oath, or perhaps to purge himself along with a specified number of oath-helpers who will suffer with him if the oath is false, and the oath-helpers required may be increased according to the seriousness of the crime. If the oath fails, the prescribed punishment follows. If it is duly taken, then either the accused was innocent, or he has inflicted the punishment entailed by the broken oath on himself and his oath-helpers.

But the consequences of a false oath were not immediately apparent. If the court wished to have the judgment of the Unseen Powers before it, some more summary process was necessary. This was found in the ordeal, a test to which both parties could be submitted if necessary, and of which the results were immediate and manifest. Probably no institution is more universal at a certain stage of civilisation than that of testing the truth or falsity of a case by a certain magico-religious process—the eating of a piece of bread, the handling of burning iron, or boiling oil, jumping into water, walking through fire, exposure to wild beasts, and so forth. The details vary, though even in detail resemblances crop up at the most remote periods and in the most remote places, but the general principle is still more clearly constant through the ages and the climes. Truth cannot at this stage be tested by human evidence. At most, the criminal caught red-handed may be summarily dispatched upon the evidence of eye-witnesses given there and then, but the complicated civil or criminal processes of the civilised world

imply an intellectual as well as a moral development which makes them impossible at an early stage. It is the gods who judge; the man who can handle hot iron is proved by heaven to be innocent; the woman whom the holy river rejects is a witch; he whom the bread chokes is a perjurer. Nor are these tests wholly devoid of rational basis; it is not so difficult to understand that the guilty man would be more liable to choke than the innocent, not because bread is holy, but because his nerves are shaken. It is quite intelligible that in a credulous age the false oath would bring its curse in the form of a will paralysed by terror, just as we know that amongst many savages witchcraft really kills through the sufferer's intense fear of it. Lastly, if the criminal may be ready to take his chances of the curse in preference to the certainties of the scaffold, he may find it difficult to get compurgators to stand by him, and in the face of their plain knowledge involve themselves in the same risk.

Thus, particularly in the institution of compurgation, we find the beginnings of a new conception, the conception that it is the duty of the court to try the case, to obtain proof of facts, to give its own verdict based on its own judgment, and execute its own sentence by its own officers. The steps by which this change is achieved belong rather to the history of jurisprudence than to that of comparative ethics. Only certain broad features of the new phase concern us. Its primary condition is perhaps not so much a new growth of moral ideas as the formation of an effective organ of government.

The elders or the petty chief of the village community hesitate to carry out a death sentence or inflict corporal punishment for fear of involving themselves in the blood feud. There must be an executive power with sufficient force behind it to raise its officers above the fear of revenge before a public system of justice, in the full sense, can arise. Hence the decay of blood revenge and the rise of public justice are frequently associated with the growth of kingly power. For example, in Europe in the early Middle Ages we have seen that certain offences were treated as breaches of the king's peace. This peace was a protection afforded in the first instance to certain places and times, but it was gradually extended, largely it would seem through the king's protection of the roads—"the king's highway"—to all places and all times. Thus the act which had been a breach of the king's peace, punished by the withdrawal of his protection only when committed at certain times and places, now became an offence against him at all times and places. Its punishment was still outlawry. But as outlawry deprived a man of all rights, it enabled the king to inflict what penalty he chose. The criminal, in fact, was at his mercy; any penalty short of death with forfeiture of all goods would be an indulgence, and hence the royal courts could fix a scale of punishments at their pleasure.

With the growth of public justice the function of the courts is changed: they have no longer to supervise the feuds of hostile families, but to

maintain public order, to detect and punish crime, and to uphold innocent people in their rights. This involves numerous changes. In the first place, self-help, the obtaining of satisfaction by the strong hand, is no longer necessary. The injured man can get a remedy from the court, and vengeance is forbidden. The victory is not immediate, and often the state has to come to some compromise with the old system. For example, vengeance may be allowed *in flagrante delicto*, or within a certain period after the offence. Where state justice is very weak, an asylum may be granted within which revenge must not be executed; in other cases where the process is further advanced and justice is getting the upper hand, revenge is allowed *only* with the consent of a court. Or lastly, excluded from all ordinary cases, revenge is tolerated as a concession to human weakness in cases where strong passions are excited—for example, in breaches of the marriage law to this day in many civilised countries. The transition was the harder because it involved a fundamental ethical change. From its beginning, as we have seen, social order rested on the readiness of every man to stand by his kinsmen in their quarrels. Hence the duty of avenging the injured kinsman, and therefore of loving one's neighbour in this sense and hating one's enemy, was the most sacred of primitive principles, bound up with everything that made a common life possible. Public justice bade men lay aside this principle, and its triumph constitutes one of the greatest of social revolutions.

But if the kindred be no longer allowed to avenge themselves, the corresponding right of the offender to make peace with the kin is also withdrawn. A crime is now a public affair, and, in varying degrees, according to time and country, the public authority takes upon itself the function of maintaining order and of discovering as well as punishing offenders. The trial ceases to be a milder form of the blood feud. The complainant no longer exposes himself to equal punishment by way of retaliation in case he loses his suit. What was previously accusation now becomes denunciation. Again, though the injured party may set the whole process in motion, the result will differ vitally according to the nature of the act of which he complains. Justice, having public interests in view, will count not only the magnitude of the injury suffered, but the degree of culpability in the man who inflicted it. Vengeance, the object of the older process, breaks up into the two distinct ideas of punishment inflicted by the judge, and restitution assigned to the complainant. Civil and criminal justice are distinct.

Once become serious in its determination to investigate the case before giving sentence, public justice could not long be satisfied with the older supernatural machinery. In mediæval Europe it was early a matter of remark that the battle was not always to the just. "We are," says the Lombard king, Luitprand, "uncertain about the judgment of God, and have heard that many through the battle lose their cause without justice; but the law itself,

on account of the custom of our race of Lombards, we cannot forbid."

It was therefore a great step in advance when ordeals, which had been adopted by the church after the barbarian invasions, were condemned by the Lateran Council of 1215. As a consequence they disappear in England after the reign of John, while the oath of compurgators is gradually converted into evidence to character. The ordeal by battle remained, but an alternative was offered in the form of a judicial inquiry with witnesses and evidence. The accused might, in English phrase, "put himself upon his country," *i.e.*, let his case go before a jury, men of his neighbourhood knowing the facts and prepared to testify to them, or in French phrase the accused could be offered the "*enquête du pais*." And this alternative, if at first optional, soon manifested its vast superiority, and the settlement of all disputes and all accusations by an impartial tribunal, which has heard what both sides have to say, becomes an integral part of the civilised order. But even-handed justice is not reached at one stride. The public authorities having once taken up the function of repressing crime are more bent on efficiency in the maintenance of order than on nice considerations of justice to individuals. Their tendency is to treat the accused man as guilty, and means of proving his innocence are somewhat grudgingly meted out to him as privileges rather than as rights, while deficiencies of evidence are boldly supplemented by the use of torture. In English law, indeed, torture (except in the case of the *peine forte et dure*) never

seems to have been fully recognised; if used by the absolute monarchy it was as a political instrument rather than as part of the ordinary machinery of law. On the Continent, on the other hand, owing partly perhaps to a stricter theory of the amount of evidence necessary for proof, partly to the fact that the authorities were more determined to suppress crime than to protect individuals from the possibility of undeserved suffering, torture became a recognised method of supplementing defective evidence. The judicial conscience was easier if it extorted a confession from a man before condemning him than if it acted solely on evidence undistorted by physical suffering. Even where torture was not allowed, the accused was not always put on a level with the prosecution as to the right of giving evidence, calling witnesses and employing counsel. It is not until all these conditions are fulfilled that a court of justice can be said to come up to the ideal of a place in which the full merits of the case are investigated before a verdict is given. Even *now* it must be remarked that an English trial preserves much of the form of the old judicial combat. Its method of obtaining a verdict is still that of pitting attack and defence against one another. It may be that this is the best method of obtaining truth where human interests and passions are at stake, and that the advocate must always retain a place beside the judge: but what seems clear is that the power of the purse in retaining the best legal skill is a make-weight, especially in civil cases, of no slight practical importance; and it is possible that our descendants will look back upon a system which

allowed wealth to count for so much before what should be an absolutely impartial tribunal, as not differing so much as we should like to think from the old ordeal by battle. The fight with the purse is not the ideal substitute for the fight with the person.

We have seen that public justice often led to severity in the process of obtaining truth; still more was this the case in the punishment of crime. Accompanying the growth of order in a barbarian society there is, as has been remarked above, a tendency to substitute a system of composition for blood vengeance by a money payment. This system made for social peace, but, particularly with the increase of wealth and difference of rank, it lent itself to frightful abuses. Crimes, punished perhaps too fiercely in early society, became for the well-to-do too lightly and easily atonable, and it is not surprising that at the next stage of social development, in which the central power has consolidated itself and the executive has become strong enough to dismiss any fear of the blood feud, a period of severer punishment should set in. Crime now becomes a revolt against authority, a challenge to the powers that be, civil and perhaps ecclesiastical as well, to put forth all their strength to subdue it. Moreover, the central authority at its best acts in the interests of public order, and on the whole represents the principle of impartial judgment as between disputants, and of progress towards internal peace and the reign of law. On the other hand, order is still difficult to maintain and powerful families are recalcitrant. From such causes as these acting in combination the criminal law now

reaches the acme of its rigour. Death penalties or savage mutilations are inflicted for offences of the second and third order, torture is freely used to extort confession, and the brutality of the mob is called in to supplement that of the executioner.

As to the severity, or rather barbarity, of the criminal law in Europe down to the nineteenth century little need be said, as the broad facts are well known. In England death was theoretically the penalty for all felonies except petty larceny and mayhem, from the Middle Ages down to 1826. This rule was subject to the exceptions based on "benefit of clergy," which originally meant the right of a clerk to be tried in the ecclesiastical courts; then, being extended to all who could read, became something of the nature of a class privilege, and finally in 1705, the necessity for reading being abolished, was converted into a means of grace. The punishment for a "clergyable" offence was to be branded in the hand and imprisoned for not more than one year, except in the case of larceny, which by the law of 1717 was punishable by transportation for seven years. From the fifteenth century onwards a succession of statutes excluded more and more offences from benefit of clergy, and thus at the end of the seventeenth century such offences as arson, burglary, horse stealing, stealing from the person above the value of a shilling, rape and abduction with intent to marry, were all capital "whether the offender could read or not." In the eighteenth century the list was lengthened, but transportation was often substituted

for the death penalty. Women were still burnt alive for the murder of a husband or master, or for coining. Both men and women were whipped, the men publicly through the streets, the women as a rule privately, for petty thefts. The pillory was still in use for perjury and other offences. Meanwhile the state of the prisons, where innocent and guilty, debtors (often with their families) and convicted criminals were all huddled together without discrimination, was, when Howard began his work, a scandal of the first magnitude. Gaol fever raged, prisons were still private property, and the prisoner, innocent or guilty, had to fee his gaoler and pay for every comfort and even for necessaries. In the Bishop of Ely's prison, the gaoler prevented escapes by chaining his prisoners on their backs on the floor, and fastening a spiked iron collar about their necks. "Even when reconstructed it had no free ward, no infirmary and no straw; and debtors and felons were confined together."

But even before Howard's time, a new order of ideas was slowly emerging. As society becomes more confident in its power to maintain order, the cruelty and callousness that are born of fear are seen in a new light. More humane influences make themselves felt, and from that moment excessive severity begins to militate against the proper execution of the law, especially under a jury system like ours. With the advance of civil and religious liberty, political or ecclesiastical offences grow rare, and a breach of the law becomes more and more synonymous with a grave moral offence against society. The whole problem of criminal justice is thus transferred to the ethical

plane, but the change raises problems which a century has been too short a time to solve. The general right to punish may be derived from the right of society to protect itself. This principle taken by itself * might be held to justify the barbarities of the old law, had not experience shown that extreme severity was not in reality an effective instrument of discipline, while it undoubtedly tended to harden manners and accustom people to witness suffering with indifference. Its dealings with the criminal mark, one may say, the zero point in the scale of treatment which society conceives to be the due of its various members. If we raise this point, we raise the standard all along the scale. The pauper may justly expect something better than the criminal, the self-supporting poor man or woman than the pauper. Thus if it is the aim of good civilisation to raise the general standard of life, this is a tendency which a savage criminal law will hinder and a humane one assist. Moreover, the old rigour, so far as it rested on reason at all, was based on a very crude psychology. People are not deterred from murder by the sight of the murderer dangling from a gibbet. On the contrary,

* So taken it is a one-sided account. Punishment, like other actions, can only be justified is doing the maximum of good and the minimum of evil admitted by the circumstances to all concerned. If any evil (suffering or loss of character) is inflicted on the criminal which is not absolutely necessitated by social security, or the ultimate welfare of the criminal himself, it is evil inflicted for its own sake, which is the essence of immorality.

what there is in them of lust for blood is tickled and excited, their sensuality or ferocity is aroused, and the counteracting impulses, the aversion to bloodshed, the compunction for suffering, are arrested. Fear, on which the principle of severity wholly relies, is a master motive only with the weak, and only while it is very present. As soon as there is a chance of escaping detection it evaporates, and, it would seem, the more completely in proportion as the very magnitude of the penalty makes it difficult for a man really to imagine *himself* as the central figure in so terrible a drama. Finally, the infliction of heavy penalties for secondary crimes may induce a reckless despair, and the saying about the sheep and the lamb was but too apt a comment on the working of the criminal law at the time. Thus the first-step of reform was to abolish the ferocious penalties of the old law. In this direction, a long list of well-known and honoured names, Beccaria, Howard, Bentham, Romilly, Fowell Buxton, Elizabeth Fry, indicate roughly the intellectual and moral influences at work. The Society of Friends, French Rationalists, English Utilitarians and the Evangelicals played their part in this, as in so many of the changes that have made the modern world. The movement was under way by the second third of the eighteenth century. Beccaria's book was published in 1764 and had an immediate success, bearing early fruit in the abolition of torture on the Continent. Branding was abolished in England in 1779. Capital punishment had been abolished for a time in Russia in 1753, and the purchase of prisoners as galley slaves was forbidden

by Maria Theresa in 1762. In England, the *prince forte et dure* was abolished in 1772, and in 1773 a House of Commons committee even reported that there were some offences for which the death penalty might with advantage be exchanged for some other punishment. These few indications show that the tide was beginning to turn. In France, the movement was hastened by the Revolution. The Declaration of Rights in 1789 laid down the controlling principle of the modern theory that "the right to punish is limited by the law of necessity," and this was supplemented in 1791 by the declaration of the Assembly that "penalties should be proportioned to the crimes for which they are inflicted, and that they are intended not merely to punish, but to reform the culprit." In accordance with this principle, the Assembly made imprisonment the chief method of punishment, and founded the penitentiary system of France. In England, the great reaction produced by the Revolution retarded the reform of the criminal law, but throughout the time of the Revolutionary Wars, men like Romilly fought an uphill fight. He succeeded in suppressing the death penalty for pocket-picking in 1808, but his subsequent efforts to abolish capital punishment for stealing goods of the value of five shillings from shops were frustrated by the House of Lords. Little progress, in fact, was made till 1832, when horse and sheep stealing ceased to be capital, and from this time onwards the list of capital offences was steadily reduced, till in 1861 murder was for all practical purposes the only one that remained.

Meanwhile, as substitutes for the old savagery, there grew up first the transportation and then the penitentiary system. Regarded as a means of giving the offender a fresh start in life in new surroundings remote from his old bad associates and the memory of his crimes, transportation has much to recommend it, but it was clearly incompatible with colonial development. It was necessary to fall back on the prison system, and the efforts of reformers have been devoted to the task of making confinement—a thing soul-destructive in itself—as nearly compatible as may be with the regeneration of the prisoner. These efforts have hardly passed the experimental stage, yet certain results have emerged. The necessity for a classification which prevents the first offender from being contaminated by the hardened jail-bird, the benefits of action and practical employment, the superiority of hope to fear as a stimulus to good conduct and the consequent advantages to be found in allowing the convict means of improving his position and even shortening his sentence by good behaviour, are matters of general agreement. But it is clearly necessary to go further than this. The plan of imprisoning a man for a longer or shorter term, and then without asking what effect his experience is likely to have had on him, turning him loose again upon society, a broken human being less capable than ever of earning an honest living, cannot stand. The old way of hanging at least rid society of the criminal. It stood condemned for its utter barbarity, which was indirectly as harmful to society

as it was cruel to the sufferer. The modern method is still a terrible penalty, at least to the better sort of criminals, and far from relieving society of their presence, tends to harden and degrade them further. Hence judicious thinkers like Frederick Hill, in his report of 1839, soon recognised that a more thorough system was required. The offender must be reformed, and at need he must even be detained until he was given good promise of reformation, and society must help him back into honest ways. The most thorough-going attempt in this direction is that of the Elmira system, followed now in several American states, in which, the sentence being wholly or within limits indeterminate, the fate of the convict depends on his own exertions. He can raise himself from a lower to a higher grade by continued good behaviour, and finally can obtain liberation on parole.

Whatever the outcome of these experiments, the modern state stands committed to the humane method of criminal treatment, and could not revert to the old plan save at the risk of a general rebarbarisation. That being so, it is necessary to push the new method through and to treat the criminal throughout as a "case" to be understood and cured. We touch here the scientific conception underlying the modern theory of punishment. Crime, like everything else that men do or suffer, is the outcome of definite conditions. These conditions may be psychological or physical, personal or social. They arise in the character of the agent as it has grown up in him from birth in interaction with the circumstances of his life. We may

recognise then in social surroundings, in overcrowding or underfeeding, in the sense of despair produced by the denial of justice, or in the overweening insolence of social superiority. But whatever they may be, if we wish to prevent crime, we must discover the conditions operating to produce crime and act upon them. This does not destroy, but defines personal responsibility. The last link in the chain of causation which produces any act is always the disposition of the agent at the time of action, and unless dominated by ungovernable impulse,* this disposition is always modifiable by the introduction of a fresh motive as a weight in the scale. But though not destroyed, responsibility is transformed by science, and with it the whole conception of punishment.† When a wicked act was held to be

This makes no exception to the general statement that character is the cause of action, since that paralysis of the will which leaves a man the sport of impulse is itself a matter of character. As to control of man's conduct by heredity much nonsense is talked. Heredity is not a force controlling a man from without, but a short expression for the supposed antecedent causes of the qualities which make him what he is, and by what he is, he is to be judged, so far as he is judged at all.

† Responsibility, properly understood, is definable as the capacity to be determined by an adequate motive. A man is responsible who knows what is expected of him, understands the consequences of his action, and is determined therein by that knowledge. Reward and punishment, praise and blame, are therefore justly awarded in so far as they affect action. Beyond this, retribution is inapplicable, and praise and blame pass into admiration and pity.

something arising in a spontaneous arbitrary manner from the unmotivated evil choice of a man, the vindictive retribution which is founded on instinct and fostered by the needs of early society seemed amply justified. When good and evil alike are seen to grow out of assignable antecedents by processes which calmly judging men can pretty closely foretell, to rest on laws of growth and disease which apply to character as other laws apply to the physical organism, to express the lack of imagination or low power of reasoning which makes men hard, cruel, and unjust, or to flow from the over-excitement or insufficient satisfaction of physical impulses that makes them a prey to lust or alcohol, then every thinking man is made to feel in a new sense that but for the grace of conditions which he has only very partially and imperfectly controlled, there where the criminal passes to disgrace and misery goes he himself, the jurymen, the judge, the newspaper reader who explodes in satisfaction over the swinging sentence. No one can fully face the problem of responsibility and become, however dimly, aware of the multitudinous roots from which character and conduct spring, without feeling the utter inadequacy of the retributive theory of punishment. Vindictiveness has its natural sphere in the stage at which crime is only known as an injury to be revenged. As soon as it becomes a wrong act to be punished, the nature of wrong and the meaning of punishment have to be reconsidered. If the first principle of rational ethics is that action can only be justified by doing

good to those whom it affects, this principle receives a striking confirmation from the one quarter in which its application might seem doubtful. For a natural impulse makes us desire to harm the wicked, but the history of criminal law and the philosophical analysis of responsibility combine to prove to us that this is the impulse of the Old Adam and not warranted by reason or justice. Justice, in punishment as in other things, seeks the good of all whom it affects, of the criminal as of the injured party. Yet all true punishment inflicts pain, for precisely the truest punishment consists in the full realisation of the character of what one has done. This realisation, with all the mental misery that it involves, we may justly wish to be the lot of every criminal, whether convicted or unconvicted, whether despised or, like the greatest offenders, honoured by the world. So far pain is rightly attached to wrong-doing as, ethically speaking, its inevitable consequence. But any other sort of pain, any physical suffering that has no such healing moral effect, may gratify an animal thirst for vengeance but has no solace for our moral thirst for the triumph, even in the mind of the wrongdoer of the righteousness which he has set at naught.

The modern state upholds its members in the enjoyment of their rights and gives them redress for injuries to themselves in the civil courts. It also intervenes on its own motion to maintain public order by the punishment of lawbreakers. Religious and political offences falling into the background, legal offences tend to be restricted to criminal acts, and

punishment to be proportioned to the imputed degree of moral guilt.* But this ethical view of punishment, when pushed home, compels the admission that the individual theory of responsibility is no more final than the old collective theory, and punishment is compelled to justify itself by its actual effect on society in maintaining order without legalising brutality, on the criminal in deterring him or in aiding his reform, in both relations as doing good, not as doing harm. The criminal, too, has his rights—the right to be punished, but so punished that he may be helped in the path of reform.

Briefly to resume the main phases in the evolution of public justice, we find that at the outset the community interferes mainly on what we may call supernatural grounds only with actions which are regarded as endangering its own existence. Otherwise justice, as we know it, in the sense of an impartial upholding of rights and an impartial punishment of wrongdoing, is unknown. In place of that we have at the outset purely private and personal retaliation. This develops into the

* The converse proposition that wicked acts are all treated as legal offences does not follow, nor is it true of the modern state. The questions as to the sphere of the state which arise here cannot be dealt with on this occasion.

Offences against the public order do not constitute an exception to the statement in the text. In themselves they are slight offences, and the penalty is always light, but the deliberate defiance of the public order is of course an immoral act unless justified by some bad end which that order may be made to serve.

systematised blood feuds of consolidated families and clans. At this stage responsibility is collective, redress is collective, intention is ignored, and there is no question of assessing punishment according to the merit of the individual. When retaliation is mitigated by the introduction of money payments, no change in ethical principle occurs. It is only as social order evolves an independent organ for the adjustment of disputes and the prevention of crime that the ethical idea becomes separated out from the conflicting passions which are its earlier husk, and step by step the individual is separated from his family, his intentions are taken into account, his formal rectitude or want of rectitude is thrown into the background by the essential justice of the case, appeals to magical processes are abandoned, and the law sets before itself the aim of discovering the facts and maintaining right or punishing wrong accordingly.

The rise of public justice proper necessitates the gradual abandonment of the whole conception of the trial as a struggle between two parties, and substitutes the idea of ascertaining the actual truth in order that justice may be done. That is at first carried out by supernatural means, *viz.*, by the ordeal and the oath. These in turn give way to a true judicial inquiry by evidence and rational proof. The transition occurred in England mainly during the thirteenth century, the turning point being marked by the prohibition of the ordeal by Innocent III in 1215. The early stages of public justice administered

by the recently developed central power led to excessive barbarity in the discovery and punishment of crime. It took some more centuries to prove to the world that efficacy in these relations could be reconciled with humanity and a rational consideration of the best means of getting at truth. By so long and roundabout a process is a result, so simple and obvious to our minds, attained.

VI

CHARLES WILLIAM ELIOT

FIVE AMERICAN CONTRIBUTIONS TO CIVILISATION.*

Looking back over forty centuries of history, we observe that many nations have made characteristic contributions to the progress of civilisation, the beneficent effects of which have been permanent, although the races that made them may have lost their national form and organisation, or their relative standing among the nations of the earth. Thus, the Hebrew race, during many centuries, made supreme contributions to religious thought; and the Greek, during the brief climax of the race, to speculative philosophy, architecture, sculpture, and the drama. The Roman people developed military colonization, aqueducts, roads and bridges, and a great body of public law, large parts of which still survive; and the Italians of the middle ages and the Renaissance developed ecclesiastical organization and the fine arts, as tributary to the splendour of the church and to municipal luxury. England for several centuries, has contributed to the institutional development of representative government and public justice; the Dutch, in the sixteenth century, made a superb struggle for free thought and free government;

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tions escaped, and they show other nations how to escape it. I ask your attention to the favourable conditions under which this contribution of the United States to civilisation has been made.

There has been a deal of fighting on the American continent during the past three centuries; but it has not been of the sort which most imperils liberty. The first European colonists who occupied portions of the coast of North America encountered in the Indians men of the Stone Age, who ultimately had to be resisted and quelled by force. The Indian races were at a stage of development thousands of years behind that of the Europeans. They could not be assimilated; for the most part they could not be taught or even reasoned with; with a few exceptions they had to be driven away by prolonged fighting, or subdued by force so that they would live peaceably with the whites. This warfare, however, always had in it for the whites a large element of self-defence—the homes and families of the settlers were to be defended against a stealthy and pitiless foe. Constant exposure to the attacks of savages was only one of the formidable dangers and difficulties which for a hundred years the early settlers had to meet, and which developed in them courage, hardiness, and persistence. The French and English wars on the North American continent, always more or less mixed with Indian warfare, were characterised by race hatred and religious animosity—two of the commonest causes of war in all ages; but they did not tend to fasten upon the English colonists any objectionable public authority, or to contract the limits of individual liberty. They

furnished a school of martial qualities at small cost to liberty. In the War of Independence there was a distinct hope and purpose to enlarge individual liberty. It made possible a confederation of the colonies, and, ultimately, the adoption of the Constitution of the United States. It gave to the thirteen colonies a lesson in collectivism, but it was a needed lesson on the necessity of combining their forces to resist an oppressive external authority. The war of 1812 is properly called the Second War of Independence, for it was truly a fight for liberty and for the rights of neutrals, in resistance to the impressment of seamen and other oppressions growing out of European conflicts. The civil war of 1861-65 was waged, on the side of the North, primarily, to prevent the dismemberment of the country, and, secondarily and incidentally, to destroy the institution of slavery. On the Northern side it therefore called forth a generous element of popular ardour in defence of free institutions; and though it temporarily caused centralisation of great powers in the government, it did as much to promote individual freedom as it did to strengthen public authority.

In all this series of fightings the main motives were self-defence, resistance to oppression, the enlargement of liberty, and the conservation of national acquisitions. The war with Mexico, it is true, was of a wholly different type. That was a war of conquest and of conquest chiefly in the interest of African slavery. It was also an unjust attack made by a powerful people on a feeble one; but it lasted less than two years, and the number of men engaged in it

was at no time large. Moreover, by the treaty which ended the war, the conquering nation agreed to pay the conquered eighteen million dollars in partial compensation for some of the territory wrested from it, instead of demanding a huge war-indemnity, as the European way is. Its results contradicted the anticipations both of those who advocated and of those who opposed it. It was one of the wrongs which prepared the way for the great rebellion; but its direct evils were of moderate extent, and it had no effect on the perennial conflict between individual liberty and public power.

In the meantime, partly as the results of Indian fighting and the Mexican war, but chiefly through purchases and arbitrations, the American people had acquired a territory so extensive, so defended by oceans, gulfs, and great lakes, and so intersected by those great natural highways, navigable rivers, that it would obviously be impossible for any enemy to overrun or subdue it. The civilised nations of Europe, western Asia, and northern Africa have always been liable to hostile incursions from without. Over and over again barbarous hordes have overthrown established civilisations, and at this moment there is not a nation of Europe which does not feel obliged to maintain monstrous armaments for defence against its neighbours. The American people have long been exempt from such terrors, and are now absolutely free from this necessity of keeping in readiness to meet heavy assaults. The absence of a great standing army and of a large fleet has been a main characteristic of the United States, in contrast with the other civilised

nations; this has been a great inducement to immigration, and a prime cause of the country's rapid increase in wealth. The United States have no formidable neighbour, except Great Britain in Canada. In April, 1817, by a convention made between Great Britain and the United States, without much public discussion or observation, these two powerful nations agreed that each should keep on the Great Lakes only a few police vessels of insignificant size and armament. This agreement was made but four years after Perry's naval victory on Lake Erie, and only three years after the burning of Washington by a British force. It was one of the first acts of Monroe's first administration, and it would be difficult to find in all history a more judicious or effectual agreement between two powerful neighbours. For eighty years this beneficent convention has helped to keep the peace. The European way would have been to build competitive fleets, dockyards, and fortresses, all of which would have helped to bring on war during the periods of mutual exasperation which have occurred since 1817. Monroe's second administration was signalised, six years later, by the declaration that the United States would consider any attempt on the part of the Holy Alliance to extend their system to any portion of this hemisphere as dangerous to the peace and safety of the United States. This announcement was designed to prevent the introduction on the American continent of the horrible European system—with its balance of power, its alliances offensive and defensive in opposing groups, and its perpetual armaments on an enormous scale. That a declaration expressly intended to pro-

note peace and prevent armaments should now be perverted into an argument for arming and for a belligerent public policy is an extraordinary perversion of the true American doctrine.

The ordinary causes of war between nation and nation have been lacking in America for the last century and a quarter. How many wars in the world's history have been due to contending dynasties; how many of the most cruel and protracted wars have been due to religious strife; how many to race hatred! No one of these causes of war has been efficacious in America since the French were overcome in Canada by the English in 1759. Looking forward into the future, we find it impossible to imagine circumstances under which any of these common causes of war can take effect on the North American continent. Therefore, the ordinary motives for maintaining armaments in time of peace, and concentrating the powers of government in such a way as to interfere with individual liberty, have not been in play in the United States as among the nations of Europe, and are not likely to be.

Such have been the favourable conditions under which America has made its best contribution to the progress of our race.

There are some people of a perverted sentimentality who occasionally lament the absence in our country of the ordinary inducements to war, on the ground that war develops certain noble qualities in some of the combatants, and gives opportunity for the the practice of heroic virtues, such as courage, loyalty, and self-sacrifice. It is further said that prolonged

peace makes nations effeminate, luxurious, and materialistic, and substitutes for the high ideals of the patriot soldier the low ideals of the farmer, manufacturer, tradesman, and pleasure-seeker. This view seems to me to err in two opposite ways. In the first place, it forgets that war, in spite of the fact that it develops some splendid virtues, is the most horrible occupation that human beings can possibly engage in. It is cruel, treacherous, and murderous. Defensive warfare, particularly on the part of a weak nation against powerful invaders or oppressors, excites a generous sympathy; but for every heroic defence there must be an attack by a preponderating force, and war, being the conflict of the two, must be judged by its moral effects not on one party, but on both parties. Moreover, the weaker party may have the worse cause. The immediate ill-effects of war are bad enough, but its after effects are generally worse, because indefinitely prolonged and indefinitely wasting and damaging. At this moment, thirty-one years after the end of our civil war, there are two great evils afflicting our country which took their rise in that war, namely, (1) the belief of a large proportion of our people in money without intrinsic value, or worth less than its face, and made current solely by act of Congress, and (2) the payment of immense annual sums in pensions. It is the paper-money delusion born of the civil war which generated and supports the silver-money delusion of to-day. As a consequence of the war, the nation has paid \$2,000,000,000 in pensions within thirty-three years. So far as pensions are paid to disabled persons, they are a just

and inevitable, but unproductive expenditure; so far as they are paid to persons who are not disabled,—men or women,—they are in the main not only unproductive but demoralising; so far as they promote the marriage of young women to old men, as a pecuniary speculation, they create a grave social evil. It is impossible to compute or even imagine the losses and injuries already inflicted by the fiat-money delusion; and we know that some of the worst evils of the pension system will go on for a hundred years to come, unless the laws about widows' pensions are changed for the better. It is a significant fact that of the existing pensioners of the war of 1812 only twenty-one are surviving soldiers or sailors, while 3,826 are widows.*

War gratifies, or used to gratify, the combative instinct of mankind, but it gratifies also the love of plunder, destruction, cruel discipline, and arbitrary power. It is doubtful whether fighting with modern appliances will continue to gratify the savage instinct of combat; for it is not likely that in the future two opposing lines of men can ever meet, or any line or column reach an enemy's entrenchments. The machine-gun can only be compared to the scythe, which cuts off every blade of grass within its sweep. It has made cavalry charges impossible, just as the modern ironclad has made impossible the manœuvres of one of Nelson's fleets. On land, the only mode of approach of one line to another must hereafter be by concealment, crawling, or surprise. Naval actions

* June 30, 1895.

will henceforth be conflicts between opposing machines, guided, to be sure, by men; but it will be the best machine that wins, and not necessarily the most enduring men. War will become a contest between treasuries or war-chests; for now that 10,000 men can fire away a million dollars' worth of ammunition in an hour, no poor nation can long resist a rich one, unless there be some extraordinary difference between the two in mental and moral strength.

The view that war is desirable omits also the consideration that modern social and industrial life affords ample opportunities for the courageous and loyal discharge of duty, apart from the barbarities of warfare. There are many serviceable occupations in civil life which call for all the courage and fidelity of the best soldier, and for more than his independent responsibility, because not pursued in masses or under the immediate command of superiors. Such occupations are those of the locomotive engineer, the electric lineman, the railroad brakeman, the city fireman, and the policeman. The occupation of the locomotive engineer requires constantly a high degree of skill, alertness, fidelity, and resolution, and at any moment may call for heroic self-forgetfulness. The occupation of a lineman requires all the courage and endurance of a soldier, whose lurking foe is mysterious and invisible. In the two years, 1893 and 1894, there were 34,000 trainmen killed and wounded on the railroads of the United States, and 25,000 other railroads employes besides. I need not enlarge on the dangers of the fireman's occupation, or on the disciplined gallantry with which its

risks are habitually incurred. The policeman in large cities needs every virtue of the best soldier, for in the discharge of many of his most important duties he is alone. Even the feminine occupation of the trained nurse illustrates every heroic quality which can possibly be exhibited in war; for she, simply in the way of duty, without the stimulus of excitement of companionship, runs risks from which many a soldier in hot blood would shrink. No one need be anxious about the lack of opportunities in civilized life for the display of heroic qualities. New industries demand new forms of fidelity and self-sacrificing devotion. Every generation develops some new kind of hero. Did it ever occur to you that the "scab" is a creditable type of nineteenth century hero? In defense of his rights as an individual, he deliberately incurs the reprobation of many of his fellows, and runs the immediate risk of bodily injury, or even of death. He also risks his livelihood for the future, and thereby the well-being of his family. He steadily asserts in action his right to work on such conditions as he sees fit to make, and, in so doing, he exhibits remarkable courage, and renders a great service to his fellow-men. He is generally a quiet, unpretending, silent person, who values his personal freedom more than the society and approbation of his mates. Often he is impelled to work by family affection, but this fact does not diminish his heroism. There are file-closers behind the line of battle of the bravest regiment. Another modern personage who needs heroic endurance, and often exhibits it, is the public servant who

steadily does his duty against the outcry of a party, press bent on perverting his every word and act. Through the telegram, cheap postage, and the daily newspaper, the forces of hasty public opinion can now be concentrated and expressed with a rapidity and intensity unknown to preceding generations. In consequence, the independent thinker or actor, or the public servant, when his thoughts or acts run counter to prevailing popular or party opinions, encounters sudden and intense obloquy, which, to many temperaments, is very formidable. That habit of submitting to the opinion of the majority which democracy fosters, renders the storm of detraction and calumny all the more difficult to endure—makes it, indeed, so intolerable to many citizens, that they will conceal or modify their opinions rather than endure it. Yet the very breath of life for a democracy is free discussion, and the taking account, of all opinions honestly held and reasonably expressed. The unreality of the vilification of public men in the modern press is often revealed by the sudden change when an eminent public servant retires or dies. A man for whom no words of derision or condemnation were strong enough yesterday is recognised tomorrow as an honorable and serviceable person, and a credit to his country. Nevertheless, this habit of partisan ridicule and denunciation in the daily reading-matter of millions of people calls for a new kind of courage and toughness in public men, and calls for it, not in brief moments of excitement only, but steadily, year in and year out. Clearly, there is no need of bringing on wars in order to breed heroes.

Civilised life affords plenty of opportunities for heroes, and for a better kind than war or any other savagery has ever produced. Moreover, none but lunatics would set a city on fire in order to give opportunities for heroism to firemen, or introduce the cholera or yellow fever to give physicians and nurses opportunity for practising disinterested devotion, or condemn thousands of people to extreme poverty in order that some well-to-do persons might practise a beautiful charity. It is equally crazy to advocate war on the ground that it is a school for heroes.

Another misleading argument for war needs brief notice. It is said that war is a school of national development—that a nation, when conducting a great war, puts forth prodigious exertions to raise money, supply munitions, enlist troops, and keep them in the field, and often gets a clearer conception and a better control of its own material and moral forces while making these unusual exertions. The nation which means to live in peace necessarily foregoes, it is said, these valuable opportunities of abnormal activity. Naturally, such a nation's abnormal activities devoted to destruction would be diminished; but its normal and abnormal activities devoted to construction and improvement ought to increase.

One great reason for the rapid development of the United States since the adoption of the Constitution is the comparative exemption of the whole people from war, dread of war, and preparations for war. The energies of the people have been directed into other channels. The progress of applied science during

the present century, and the new ideals concerning the well-being of human multitudes, have opened great fields for the useful application of national energy. This immense territory of ours, stretching from ocean to ocean, and for the most part but imperfectly developed and sparsely settled, affords a broad field for the beneficent application of the richest national forces during an indefinite period. There is no department of national activity in which we could not advantageously put forth much more force than we now expend; and there are great fields which we have never cultivated at all. As examples, I may mention the post-office, national sanitation, public works, and education. Although great improvements have been made during the past fifty years in the collection and delivery of mail matter, much still remains to be done both in city and country, and particularly in the country. In the mail facilities secured to our people, we are far behind several European government, whereas we ought to be far in advance of every European government except Switzerland, since the rapid interchange of ideas, and the promotion of family, friendly, and commercial intercourse, are of more importance to a democracy than to any other form of political society. Our national government takes very little pains about the sanitation of the country, or its deliverance from injurious insects and parasites; yet these are matters of gravest interest, with which only the general government can deal, because action by separate States or cities is necessarily ineffectual. To fight pestilences needs quite as much energy, skill, and courage as to carry on war;

indeed, the foes are more insidious and awful, and the means of resistance less obvious. On the average and the large scale, the professions which heal and prevent disease, and mitigate suffering, call for much more ability, constancy, and devotion than the professions which inflict wounds and death and all sorts of human misery. Our government has never touched the important subject of national roads, by which I mean not railroads, but common highways; yet here is a great subject for beneficent action through government, in which we need only go for our lessons to little republican Switzerland. Inundations and droughts are great enemies of the human race, against which government ought to create defences, because private enterprise cannot cope with such wide-spreading evils. Popular education is another great field in which public activity should be indefinitely enlarged, not so much through the action of the Federal government,—though even there a much more effective supervision should be provided than now exists—but through the action of States, cities, and towns. We have hardly begun to apprehend the fundamental necessity and infinite value of public education or to appreciate the immense advantages to be derived from additional expenditure for it. What prodigious possibilities of improvement are suggested by the single statement that the average annual expenditure for the schooling of a child in the United States is only about eighteen dollars! Here is a cause which requires from hundreds of thousands of men and women keen intelligence, hearty devotion to duty, and a steady uplifting and advancement of all its standards and

ideals. The system of public instruction should embody for coming generations all the virtues of the mediæval church. It should stand for the brotherhood and unity of all classes and conditions; it should exalt the joys of the intellectual life above all material delights; and it should produce the best constituted and most wisely directed intellectual and moral host that the world has seen. In view of such unutilised opportunities as these for the beneficent application of great public forces, does it not seem monstrous that war should be advocated on the ground that it gives occasion for rallying and using the national energies?

The second eminent contribution which the United States have made to civilisation is their thorough acceptance, in theory and practice, of the widest religious toleration. As a means of suppressing individual liberty, the collective authority of the Church, when elaborately organised in a hierarchy directed by one head and absolutely devoted in every rank to its service, comes next in proved efficiency to that concentration of powers in government which enables it to carry on war effectively. The Western Christian Church, organised under the Bishop of Rome acquired, during the middle ages, a centralised authority which quite overrode both the temporal ruler and the rising spirit of nationality. For a time Christian Church and Christian States acted together, just as in Egypt, during many earlier centuries, the great powers of civil and religious rule had been united. The Crusades marked the climax of the power of the Church. Thereafter, Church and

State were often in conflict; and during this prolonged conflict the seeds of liberty were planted, took root, and made some sturdy growth. We can see now, as we look back on the history of Europe, how fortunate it was that the colonisation of North America by Europeans was deferred until after the period of the Reformation, and specially until after the Elizabethan period in England, the Luther period in Germany, and the splendid struggle of the Dutch for liberty in Holland. The founders of New England and New York were men who had imbibed the principles of resistance both to arbitrary civil power and to universal ecclesiastical authority. Hence it came about that within the territory now covered by the United States no single ecclesiastical organisation ever obtained a wide and oppressive control, and that in different parts of this great region churches very unlike in doctrine and organisation were almost simultaneously established. It has been an inevitable consequence of this condition of things that the Church, as a whole, in the United States has not been an effective opponent of any form of human rights. For generations it has been divided into numerous sects and denominations, no one of which has been able to claim more than a tenth of the population as its adherents; and the practices of these numerous denominations have been profoundly modified by political theories and practices, and by social customs natural to new communities formed under the prevailing conditions of free intercourse and rapid growth. The constitutional prohibition of religious tests as qualifications for office gave the United States the

leadership among the nations in dissociating theological opinions and political rights. No one denomination or ecclesiastical organisation in the United States has held great properties, or has had the means of conducting its ritual with costly pomp or its charitable works with imposing liberality. No splendid architectural exhibitions of Church power have interested or overawed the population. On the contrary, there has prevailed in general a great simplicity in public worship, until very recent years. Some splendours have been lately developed by religious bodies in the great cities; but these splendours and luxuries have been almost simultaneously exhibited by religious bodies of very different, not to say opposite, kinds. Thus, in New York city, the Jews, the Greek Church, the Catholics, and the Episcopalians have all erected, or undertaken to erect, magnificent edifices. But these recent demonstrations of wealth and zeal are so distributed among differing religious organisations that they cannot be imagined to indicate a coming centralisation of ecclesiastical influence adverse to individual liberty.

In the United States, the great principle of religious toleration is better understood and more firmly established than in any other nation of the earth. It is not only embodied in legislation, but also completely recognised in the habits and customs of good society. Elsewhere it may be a long road from legal to social recognition of religious liberty, as the example of England shows. This recognition alone would mean, to any competent student of history, that the United States had made an unexampled contribution

to the reconciliation of just governmental power with just freedom for the individual, inasmuch as the partial establishment of religious toleration has been the main work of civilisation during the past four centuries. In view of this characteristic and infinitely beneficent contribution to human happiness and progress, how pitiable seem the temporary outbursts of bigotry and fanaticism which have occasionally marred the fair record of our country in regard to religious toleration! If anyone imagines that this American contribution to civilisation is no longer important, that the victory for toleration has been already won, let him recall the fact that the last years of the nineteenth century have witnessed two horrible religious persecutions, one by a Christian nation, the other by a Moslem—one, of the Jews by Russia, and the other, of the Armenians by Turkey.

The third characteristic contribution which the United States have made to civilisation has been the safe development of a manhood suffrage nearly universal. The experience of the United States has brought out several principles with regard to the suffrage which have not been clearly apprehended by some eminent political philosophers. In the first place, American experience has demonstrated the advantages of a gradual approach to universal suffrage, over a sudden leap. Universal suffrage is not the first and only means of attaining democratic government; rather, it is the ultimate goal of successful democracy. It is not a specific for the cure of all political ills; on the contrary, it may itself easily be the source of great political evils. The people of the United States feel

its dangers to-day. When constituencies are large, it aggravates the well-known difficulties of party government; so that many of the ills which threaten democratic communities at this moment, whether in Europe or America, proceed from the break-down of party government rather than from failures of universal suffrage. The methods of party government were elaborated where suffrage was limited and constituencies were small. Manhood suffrage has not worked perfectly well in the United States, or in any other nation where it has been adopted, and it is not likely very soon to work perfectly anywhere. It is like freedom of the will for the individual—the only atmosphere in which virtue can grow, but an atmosphere in which sin can also grow. Like freedom of the will, it needs to be surrounded with checks and safeguards, particularly in the childhood of the nation; but, like freedom of the will, it is the supreme good, the goal of perfected democracy. Secondly, like freedom of the will, universal suffrage has an educational effect, which has been mentioned by many writers, but has seldom been clearly apprehended or adequately described. This educational effect is produced in two ways: In the first place, the combination of individual freedom with social mobility, which a wide suffrage tends to produce, permits the capable to rise through all grades of society, even within a single generation; and this freedom to rise is intensely stimulating to personal ambition. Thus every capable American, from youth to age, is bent on bettering himself and his condition. Nothing can be more striking than the contrast between the mental condition

of an average American belonging to the laborious classes, but conscious that he can rise to the top of the social scale, and that of a European mechanic, peasant, or tradesman, who knows that he can rise out of his class, and is content with his hereditary classification. The state of mind of the American prompts to constant struggle for self-improvement and the acquisition of all sorts of property and power. In the second place, it is a direct effect of a broad suffrage that the voters become periodically interested in the discussion of grave public problems, which carry their minds away from the routine of their daily labour and household experience out into larger fields. The instrumentalities of this prolonged education have been multiplied and improved enormously within the last fifty years. In no field of human endeavour have the fruits of the introduction of steam and electrical power been more striking than in the methods of reaching multitudes of people with instructive narratives, expositions, and arguments. The multiplication of newspapers, magazines, and books is only one of the immense developments in the means of reaching the people. The advocates of any public cause now have it in their power to provide hundreds of newspapers with the same copy, or the same plates, for simultaneous issue. The mails provide the means of circulating millions of leaflets and pamphlets. The interest in the minds of the people which prompts to the reading of these multiplied communications comes from the frequently recurring elections. The more difficult the intellectual problem presented in any given election, the more educative the effect of the

discussion. Many modern industrial and financial problems are extremely difficult, even for highly educated men. As subjects of earnest thought and discussion on the farm, and in the workshop, factory, rolling-mill, and mine, they supply a mental training for millions of adults, the like of which has never before been seen in the world.

In these discussions, it is not only the receptive masses that are benefited; the classes that supply the appeals to the masses are also benefited in a high degree. There is no better mental exercise for the most highly trained man than the effort to expound a difficult subject in so clear a way that the untrained man can understand it. In a republic in which the final appeal is to manhood suffrage, the educated minority of the people is constantly stimulated to exertion, by the instinct of self-preservation as well as by love of country. They see dangers in proposals made to universal suffrage, and they must exert themselves to ward off those dangers. The position of the educated and well-to-do classes is a thoroughly wholesome one in this respect: they cannot depend for the preservation of their advantages on land-owning, hereditary privilege, or any legislation not equally applicable to the poorest and humblest citizen. They must maintain their superiority by being superior. They cannot live in a too safe corner.

I touch here on a misconception which underlies much of the criticism of universal suffrage. It is commonly said that the rule of the majority must be the rule of the most ignorant and incapable, the multitude being necessarily uninstructed as to taxation,

public finance, and foreign relations, and untrained to active thought on such difficult subjects. Now, universal suffrage is merely a convention as to where the last appeal shall lie for the decision of public questions; and it is the rule of the majority only in this sense. The educated classes are undoubtedly a mincrity; but it is not safe to assume that they monopolise the good sense of the community. On the contrary, it is very clear that native good judgment and good feeling are not proportional to education, and that among a multitude of men who have only an elementary education, a large proportion will possess both good judgment and good feeling. Indeed, persons who can neither read nor write may possess a large share of both, as is constantly seen in regions where the opportunities for education in childhood have been scanty or inaccessible. It is not to be supposed that the cultivated classes, under a regime of universal suffrage, are not going to try to make their cultivation felt in the discussion and disposal of public questions. Any result under universal suffrage is a complex effect of the discussion of the public question in hand by the educated classes in the presence of the comparatively uneducated, when a majority of both classes taken together is ultimately to settle the question. In practice, both classes divide on almost every issue. But, in any case, if the educated classes cannot hold their own with the uneducated, by means of their superior physical, mental, and moral qualities, they are obviously unfit to lead society. With education should come better powers of argument and persuasion, a stricter sense

of honour, and a greater general effectiveness. With these advantages, the educated classes must undoubtedly appeal to the less educated, and try to convert them to their way of thinking; but this is a process which is good for both sets of people. Indeed, it is the best possible process for the training of freemen, educated or uneducated, rich or poor.

It is often assumed that the educated classes become impotent in a democracy, because the representatives of those classes are not exclusively chosen to public office. This argument is a very fallacious one. It assumes that the public offices are the places of greatest influence; whereas, in the United States, at least, that is conspicuously not the case. In a democracy, it is important to discriminate influence from authority. Rulers and magistrates may or may not be persons of influence; but many persons of influence never become rulers, magistrates, or representatives in parliaments or legislatures. The complex industries of a modern state, and its innumerable corporation services, offer great fields for administrative talent which were entirely unknown to preceding generations; and these new activities attract many ambitious and capable men more strongly than the public service. These men are not on that account lost to their country or to society. The present generation has wholly escaped from the conditions of earlier centuries, when able men who were not great land-owners had but three outlets for their ambition—the army, the church, or the national civil service. The national service, whether in an empire, a limited monarchy, or a republic, is now only one of many

fields which offer to able and patriotic men an honourable and successful career. Indeed, legislation and public administration necessarily have a very second-hand quality; and more and more legislators and administrators become dependent on the researches of scholars, men of science, and historians, and follow in the footsteps of inventors, economists, and political philosophers. Political leaders are very seldom leaders of thought; they are generally trying to induce masses of men to act on principles thought out long before. Their skill is in the selection of practicable approximations to the ideal; their arts are arts of exposition and persuasion; their honour comes from fidelity under trying circumstances to familiar principles of public duty. The real leaders of American thought in this century have been preachers, teachers, jurists, seers, and poets. While it is of the highest importance, under any form of government, that the public servants should be men of intelligence, education, and honour, it is no objection to any given form, that under it large numbers of educated and honourable citizens have no connection with the public service.

Well-to-do Europeans, when reasoning about the working of democracy, often assume that under any government the property-holders are synonymous with the intelligent and educated class. That is not the case in the American democracy. Anyone who has been connected with a large American university can testify that democratic institutions produce plenty of rich people who are not educated and plenty of educated people who are not rich, just as mediæval society produced illiterate nobles and cultivated monks.

Persons who object manhood suffrage as the last resort for the settlement of public questions are bound to show where, in all the world, a juster or more practicable regulation or convention has been arrived at. The objectors ought at least to indicate where the ultimate decision should, in their judgment, rest as, for example, with the land-owners, or the property-holders, or the graduates of secondary schools, or the professional classes. He would be a bold political philosopher who, in these days, should propose that the ultimate tribunal should be constituted in any of these ways. All the experience of the civilised world fails to indicate a safe personage, a safe class, or a safe minority, with which to deposit this power of ultimate decision. On the contrary, the experience of civilisation indicates that no select person or class can be trusted with that power, no matter what the principle of selection. The convention that the majority of males shall decide public questions has obviously great recommendations. It is apparently fairer than the rule of any minority, and it is sure to be supported by an adequate physical force. Moreover, its decisions are likely to enforce themselves. Even in matters of doubtful prognostication, the fact that a majority of the males do the prophesying tends to the fulfilment of the prophecy. At any rate, the adoption or partial adoption of universal male suffrage by several civilised nations is coincident with unexampled ameliorations in the condition of the least fortunate and most numerous classes of the population. To this general amelioration many causes have doubtless contributed; but it is reasonable to

suppose that the acquisition of the power which comes with votes has had something to do with it.

Timid or conservative people often stand aghast at the possible directions of democratic desire, or at some of the predicted results of democratic rule; but meantime the actual experience of the American democracy proves: (1) that property has never been safer under any form of government; (2) that no people have ever welcomed so ardently new machinery, and new inventions generally; (3) that religious toleration was never carried so far, and never so universally accepted; (4) that nowhere have the power and disposition to read being so general; (5) that nowhere has governmental power been more adequate, or more freely exercised, to levy and collect taxes, to raise armies and to disband them, to maintain public order, and to pay off great public debts—national, State, and town; (6) that nowhere have property and well-being been so widely diffused: and (7) that no form of government ever inspired greater affection and loyalty, or prompted to greater personal sacrifices in supreme moments. In view of these solid facts, speculations as to what universal suffrage would have done in the seventeenth and eighteenth centuries, or may do in the twentieth, seem futile indeed. The most civilised nations of the world have all either adopted this final appeal to manhood suffrage, or they are approaching that adoption by rapid stages. The United States, having no customs or traditions of an opposite sort to overcome, have led the nations in this direction, and have had the honour of devising, as a result of practical experience, the best safeguards for universal

suffrage, safeguards which, in the main, are intended to prevent hasty public action, or action based on sudden discontents or temporary spasms of public feeling. These checks are intended to give time for discussion and deliberation, or, in other words, to secure the enlightenment of the voters before the vote. If, under new conditions, existing safeguards prove insufficient, the only wise course is to devise new safeguards.

The United States have made to civilisation a fourth contribution of a very hopeful sort, to which public attention needs to be directed, lest temporary evils connected therewith should prevent the continuation of this beneficent action. The United States have furnished a demonstration that people belonging to a great variety of races or nations are, under favourable circumstances, fit for political freedom. It is the fashion to attribute to the enormous immigration of the last fifty years some of the failures of the American political system, and particularly the American failure in municipal government, and the introduction in a few States of the rule of the irresponsible party foremen known as "bosses." Impatient of these evils, and hastily accepting this improbable explanation of them, some people wish to depart from the American policy of welcoming immigrants. In two respects the absorption of large number of immigrants from many nations into the American commonwealth has been of great service to mankind. In the first place, it has demonstrated that people who at home have been subject to every sort of aristocratic or despotic or military oppression

become within less than a generation serviceable citizens of a republic; and, in the second place, the United States have thus educated to freedom many millions of men. Furthermore, the comparatively high degree of happiness and prosperity enjoyed by the people of the United States has been brought home to multitudes in Europe by friends and relatives who have emigrated to this country, and has commended free institutions to them in the best possible way. This is a legitimate propaganda vastly more effective than any annexation or conquest of unwilling people, or of people unprepared for liberty.

It is a great mistake to suppose that the process of assimilating foreigners began in this century. The eighteenth century provided the colonies with a great mixture of peoples, although the English race predominated then, as now. When the Revolution broke out, there were already English, Irish, Scotch, Dutch, Germans, French, Portuguese, and Swedes in the colonies. The French were, to be sure, in small proportion, and were almost exclusively Huguenot refugees, but they were a valuable element in the population. The Germans were well diffused, having established themselves in New York, Pennsylvania, Virginia, and Georgia. The Scotch were scattered through all the colonies. Pennsylvania, especially, was inhabited by an extraordinary mixture of nationalities and religions. Since steam-navigation on the Atlantic and railroad transportation on the North American continent became cheap and easy, the tide of immigration has greatly increased; but it is very doubtful if the amount of assimilation going on in the

nineteenth century has been any larger, in proportion to the population and wealth of the country, than it was in the eighteenth. The main difference in the assimilation going on in the two centuries is this, that in the eighteenth century the newcomers were almost all Protestants, while in the nineteenth century a considerable proportion have been Catholics. One result, however, of the importation of large numbers of Catholics into the United States has been a profound modification of the Roman Catholic Church in regard to the manners and customs of both the clergy and the laity, the scope of the authority of the priest, and the attitude of the Catholic Church toward public education. This American modification of the Roman Church has reacted strongly on the Church in Europe.

Another great contribution to civilisation made by the United States is the diffusion of material well-being among the population. No country in the world approaches the United States in this respect. It is seen in that diffused elementary education which implants for life a habit of reading, and in the habitual optimism which characterises the common people. It is seen in the housing of the people and of their domestic animals, in the comparative costliness of their food, clothing, and household furniture, in their implements, vehicles, and means of transportation, and in the substitution, on a prodigious scale, of the work of machinery for the work of men's hands. This last item in American well-being is quite as striking in agriculture, mining, and fishing, as it is in manufactures. The social effects of the

manufacture of power, and of the discovery of means of putting that power just where it is wanted, have been more striking in the United States than anywhere else. Manufactured and distributed power needs intelligence to direct it: the bicycle is a blind horse, and must be steered at every instant; somebody must show a steam-drill where to strike and how deep to go. So far as men and women can substitute for the direct expenditure of muscular strength the more intelligent effort of designing, tending, and guiding machines, they win promotion in the scale of being, and make their lives more interesting as well as more productive. It is in the invention of machinery for producing and distributing power, and at once economising and elevating human labour, that American ingenuity has been most conspicuously manifested. The high price of labour in a sparsely-settled country has had something to do with this striking result; but the genius of the people and of their government has had much more to do with it. As proof of the general proposition, it suffices merely to mention the telegraph and telephone, the sewing-machine, the cotton-gin, the mower, reaper, and threshing-machine, the dish-washing machine, the river steamboat, the sleeping-car, the boot and shoe machinery, and the watch machinery. The ultimate effects of these kindred inventions are quite as much intellectual as physical, and they are developing and increasing with a portentous rapidity which sometimes suggests a doubt whether the bodily forces of men and women are adequate to resist the new mental strains brought upon them. However, this may

prove to be in the future, the clear result in the present is an unexampled diffusion of well-being in the United States.

These five contributions to civilisation—peace-keeping, religious toleration, the development of manhood suffrage, the welcoming of newcomers, and the diffusion of well-being—I hold to have been eminently characteristic of our country, and so important that, in spite of the qualifications and deductions which every candid citizen would admit with regard to every one of them, they will ever be held in the grateful remembrance of mankind. They are reasonable grounds for a steady, glowing patriotism. They have had much to do, both as causes and as effects, with the material prosperity of the United States; but they are all five essentially moral contributions, being triumphs of reason, enterprise, courage, faith, and justice, over passion, selfishness, inertness, timidity, and distrust. Beneath each one of these developments there lies a strong ethical sentiment, a strenuous moral and social purpose. It is for such work that multitudinous democracies are fit.

In regard to all five of these contributions, the characteristic policy of our country has been from time to time threatened with reversal—is even now so threatened. It is for true patriots to insist on the maintenance of these historic purposes and policies of the people of the United States. Our country's future perils, whether already visible or still unimagined, are to be met with courage and constancy founded firmly on these popular achievements in the past.

VII

LORD BRYCE

GOVERNMENT BY PUBLIC OPINION.*

We talk of public opinion as a new force in the world, conspicuous only since governments began to be popular. Statesmen, even so lately as two generations ago, looked on it with some distrust or dislike. Sir Robert Peel, for instance, in a letter written in 1820 speaks, with the air of a discoverer, of "that great compound of folly, weakness, prejudice, wrong feeling, right feeling, obstinacy, and newspaper paragraphs, which is called public opinion."

Yet opinion has really been the chief and ultimate power in nearly all nations at nearly all times. I do not mean merely the opinion of the class to which the rulers belong. Obviously the small oligarchy of Venice was influenced by the opinion of the Venetian nobility, as an absolute Czar is influenced by the opinion of his court and his army. I mean the opinion, unspoken, unconscious, but not the less real and potent, of the masses of the people. Governments have always rested and, special cases apart, must rest, if not on the affection, then on the reverence or awe, if not on the active approval, then on the silent acquiescence, of the numerical majority.

* From *The American Commonwealth* by the late Lord Bryce, by kind permission of Lady Bryce and the publishers. Messrs. The Macmillan Coy., New York, U.S.A.

It is only by rare exception that a monarch or an oligarchy has maintained authority against the will of the people. The despotisms of the East, although they usually began in conquest, did not stand by military force but by popular assent. So did the feudal kingdoms of mediæval Europe. So do the monarchies of the Sultan (so far, at least, as regards his Mussulman subjects), of the Shah, and of the Chinese Emperor. The cases to the contrary are chiefly those of military tyrannies, such as existed in many of the Greek cities of antiquity, and in some of the Italian cities of the Renaissance, and such as exist now in some of the so-called republics of Central and South America. That even the Roman Empire, that eldest child of war and conquest, did not rest on force but on the consent and good-will of its subjects, is shown by the smallness of its standing armies, nearly the whole of which were employed against frontier enemies, because there was rarely any internal revolt or disturbance to be feared. Belief in authority, and the love of established order, are among the strongest forces in human nature, and therefore in politics. The first supports governments *de jure*, the latter governments *de facto*. They combine to support a government which is *de jure* as well as *de facto*. Where the subjects are displeased, their discontent may appear perhaps in the epigrams which tempered the despotism of Louis XV. in France, perhaps in the sympathy given to bandits like Robin Hood, perhaps in occasional insurrections like those of Constantinople under the Eastern Emperors. Of course, where there is no habit of combining to resist,

discontent may remain for some time without this third means of expressing itself. But, even when the occupant of the throne is unpopular, the throne as an institution is in no danger so long as it can command the respect of the multitude and show itself equal to its duties.

In the earlier or simpler forms of political society public opinion is passive. It acquiesces in, rather than supports, the authority which exists, whatever its faults, because it knows of nothing better, because it sees no way to improvement, probably also because it is overawed by some kind of religious sanction. Human nature must have something to reverence and the sovereign, because remote and potent and surrounded by pomp and splendour, seems to it mysterious and half divine. Worse administrations than those of Asiatic Turkey and Persia in the nineteenth century can hardly be imagined, yet the Mohammedan population showed no signs of disaffection. The subjects of Darius and the subjects of Theebaw obeyed as a matter of course. They did not ask why they obeyed, for the habit of obedience was sufficient. They could, however, if disaffected, have at any moment overturned the throne, which had only, in both cases, an insignificant force of guards to protect it. During long ages the human mind did not ask itself—in many parts of the world does not even now ask itself—questions which seem to us the most obvious. Custom, as Pindar said, is king over all mortals and immortals, and custom prescribed obedience. When in any society opinion becomes self-conscious, when it begins to realise its

force and question the rights of its rulers, that society is already progressing, and soon finds means of organising resistance and compelling reform.

The difference, therefore, between despotically governed and free countries does not consist in the fact that the latter are ruled by opinion and the former by force, for both are generally ruled by opinion. It consists rather in this, that in the former the people instinctively obey a power which they do not know to be really of their own creation, and to stand by their own permission; whereas in the latter the people feel their supremacy, and consciously treat their rulers as their agents, while the rulers obey a power which they admit to have made and to be able to unmake them,—the popular will. In both cases force is seldom necessary, or is needed only against small groups, because the habit of obedience replaces it. Conflicts and revolutions belong to the intermediate stage, when the people are awakening to the sense that they are truly the supreme power in the State, but when the rulers have not yet become aware that their authority is merely delegated. When superstition and the habit of submission have vanished from the whilom subjects, when the citizens, have in turn formed the habit of obedience, public opinion has become the active and controlling director of a business in which it was before the sleeping and generally forgotten partner. But even when this stage has been reached, as has now happened in most civilised States, there are differences in the degree and mode in and by which public opinion asserts itself. In some countries the habit of obeying rulers

and officials is so strong that the people, once they have chosen the legislature or executive head by whom the officials are appointed, allow these officials almost as wide a range of authority as in the old days of despotism. Such people have a profound respect for government as government, and a reluctance, due either to theory or to mere laziness, perhaps to both, to interfere with its action. They say, "That is a matter for the Administration; we have nothing to do with it;" and stand as much aside or submit as humbly as if the government did not spring from their own will. Perhaps they practically leave themselves, as did the Germans of Bismarck's day, in the hands of a venerated monarch or a forceful minister, giving these rulers a free hand so long as their policy moves in accord with the sentiment of the nation, and maintains its glory. Perhaps while frequently changing their ministries, they nevertheless yield to each ministry and to its executive subordinates all over the country, an authority great while it lasts, and largely controlling the action of the individual citizen. This seems to be still true of France. There are other countries in which, though the sphere of government is strictly limited by law, and the private citizen is little inclined to bow before an official, the habit has been to check the ministry chiefly through the legislature, and to review the conduct of both ministry and legislature only at long intervals, when an election of the legislature takes place. This has been, and to some extent is still, the case in Britain. Although the people rule, they rule not directly, but through the House of Commons.

which they choose only once in four, five, or six years, and which may, at any given moment, represent rather the past than the present will of the nation.

I make these observations for the sake of indicating another form which the rule of the people may assume. We have distinguished three stages in the evolution of opinion from its unconscious and passive into its conscious and active condition. In the first it acquiesces in the will of the ruler whom it has been accustomed to obey. In the second, conflicts arise between the ruling person or class, backed by those who are still disposed to obedience, on the one hand, and the more independent or progressive spirits on the other; and these conflicts are decided by arms. In the third stage the whilom ruler has submitted, and disputes are referred to the sovereign multitude, whose will is expressed at certain intervals upon slips of paper deposited in boxes, and is carried out by the minister or legislature to whom the popular mandate is entrusted. A fourth stage would be reached, if the will of the majority of the citizens were to become ascertainable at all times, and without the need of its passing through a body of representatives, possibly even without the need of voting machinery at all. In such a state of things the sway of public opinion would have become more complete, because more continuous, than it is in those European countries which, like France, Italy, and Britain, look chiefly to parliaments as exponents of national sentiment. The authority would seem to remain all the while in the mass of the citizens.

Popular government would have been pushed so far as almost to dispense with, or at any rate to anticipate, the legal modes in which the majority speaks its will at the polling booths; and this informal but direct control of the multitude would dwarf, if it did not supersede, the importance of those formal but occasional deliverances made at the elections of representatives. To such a condition of things the phrase, "Rule of public opinion," might be most properly applied, for public opinion would not only reign but govern.

The mechanical difficulties, as one may call them, of working such a method of government are obvious. How is the will of the majority to be ascertained except by counting votes? How, without the greatest inconvenience, can votes be frequently taken on all the chief questions that arise? No large country has yet surmounted these inconveniences, though little Switzerland with her *Referendum* and *Initiative* has faced and partially dealt with some of them, and some of the American States are treading in the same path. But what I desire to point out is that even where the machinery for weighing or measuring the popular will from week to week or month to month has not been, and is not likely to be, invented, there may nevertheless be a disposition on the part of the rulers, whether ministers or legislators, to act as if it existed; that is to say, to look incessantly for manifestations of current popular opinion, and to shape their course in accordance with their reading of those manifestations. Such a disposition will be accompanied by a constant oversight

of public affairs by the mass of the citizens, and by a sense on their part they are the true governors, and that their agents, executive and legislative, are rather servants than agents. Where this is the attitude of the people on the one hand and of the persons who do the actual work of governing on the other, it may fairly be said that there exists a kind of government materially, if not formally, different from the representative system as it presented itself to European thinkers and statesmen of the last generation. And it is to this kind of government that democratic nations seem to be tending.

The state of things here noted will find illustration in what I have to say in the following chapters regarding opinion in the United States. Meanwhile a few remarks may be hazarded on the rule of public opinion in general.

The excellence of popular government lies not so much in its wisdom—for it is as apt to err as other kinds of government—as in its strength. It has been compared, ever since Sir William Temple, to a pyramid, the firmest based of all buildings. Nobody can be blamed for obeying it. There is no appeal from its decisions. Once the principle that the will of the majority honestly ascertained must prevail, has soaked into the mind and formed the habits of a nation, that nation acquires not only stability, but immense effective force. It has no need to fear discussion and agitation. It can bend all its resources to the accomplishment of its collective ends. The friction that exists in countries where the laws or institutions handed down from former generations are

incompatible with the feelings and wishes of the people has disappeared. A key has been found that will unlock every door.

On the other hand, such a government is exposed to two dangers. One, the smaller one, yet sometimes troublesome, is the difficulty of ascertaining the will of the majority. I do not mean the difficulty of getting all citizens to vote, because it must be taken that those who do not vote leave their will in the hands of those who do, but the difficulty of obtaining by any machinery yet devised a quite honest record of the results of voting. Where the issues are weighty, involving immense interests of individual men or groups of men, the danger of bribery, of force, and still more of fraud in taking and counting votes, is a serious one. When there is reason to think that ballots have been tampered with, the value of the system is gone; and men are remitted to the old methods of settling their differences.

The other danger is that minorities may not sufficiently assert themselves. Where a majority has erred, the only remedy against the prolongation or repetition of its error is in the continued protests and agitation of the minority, an agitation which ought to be conducted peaceably, by voice and pen, but which must be vehement enough to rouse the people and deliver them from the consequences of their blunders. But the more complete the sway of majorities is, so much the less disposed is a minority to maintain the contest. It loses faith in its cause and in itself, and allows its voice to be silenced by the triumphant cries of its opponents. How are men

to acquiesce promptly and loyally in the decision of a majority, and yet to go on arguing against it? how can they be at once submissive and aggressive? That conceit of his own goodness and greatness which intoxicates an absolute monarch besets a sovereign people also, and the slavishness with which his ministers approach an Oriental despot may reappear in the politicians of a Western democracy. The duty therefore, of a patriotic statesman in a country where public opinion rules, would seem to be rather to resist and correct than to encourage the dominant sentiment. He will not be content with trying to form and mould and lead it, but he will confront it, lecture it, remind it that it is fallible, rouse it out of its self-complacency. Unfortunately, courage and independence are plants which a soil impregnated with the belief in the wisdom of numbers does not tend to produce: nor is there any art known to statesmen whereby their growth can be fostered.

Experience has, however, suggested plans for lessening the risks incident to the dominance of one particular set of opinions. One plan is for the people themselves to limit their powers, *i.e.*, to surround their own action and the action of their agents with restrictions of time and method which compel delay. Another is for them so to parcel out functions among many agents that no single one chosen indiscreetly, or obeying his mandate overzealously, can do much mischief, and that out of the multiplicity of agents differences of view may spring which will catch the attention of the citizens.

The temper and character of a people may

supply more valuable safeguards. The country which has worked out for itself a truly free government must have done so in virtue of the vigorous individuality of its children. Such an individuality does not soon yield even to the pressure of democratic conditions. In a nation with a keen moral sense and a capacity for strong emotions, opinion based on a love of what is deemed just or good will resist the multitude when bent on evil: and if there be a great variety of social conditions, of modes of life, of religious beliefs, these will prove centres of resistance to a dominant tendency, like rocks standing up in a river, at which he whom the current sweeps downwards may clutch. Instances might be cited even from countries where the majority has had every source of strength at its command—physical force, tradition, the all but universal persuasions and prejudices of the lower as well as of the higher classes—in which small minorities have triumphed, first by startling and then by leavening and convincing the majority. This they have done in virtue of that intensity of belief which is oftenest found in a small sect or group, not because it is small, but because if its belief were not intense it would not venture to hold out at all against the adverse mass. The energy of each individual in the minority makes it in the long run a match for a majority huger but less instinct with vitality. In a free country more specially, ten men who care are a match for a hundred who do not.

Such natural compensations as this occur in the physical as well as in the spiritual and moral world, and preserve both. But they are compensations on

which the practical statesman cannot safely rely, for they are partial, they are uncertain, and they probably tend to diminish with the progress of democracy. The longer public opinion has ruled, the more absolute is the authority of the majority likely to become, the less likely are energetic minorities to rise, the more are politicians likely to occupy themselves, not in forming opinion, but in discovering and hastening to obey it.
